

The Gazette of India

PUBLISHED BY AUTHORITY

No. 21] NEW DELHI, SATURDAY, MAY 23, 1964/JYAISTHA 2, 1886

Separate paging is given to this Part in order that it may be filed
as a separate compilation

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 8th May 1964 :—

| Issue No. | No. and date | Issued by | Subject |
|-----------|---------------------------------|---|---|
| 120 | S.O. 1609, dated 5th May, 1964. | Ministry of Finance. | The President constitutes a Finance Commission. |
| 121 | S.O. 1610, dated 7th May, 1964. | Delimitation Commission. | Delimitation of Parliamentary and assembly constituencies in the State of Kerala. |
| 122 | S.O. 1611, dated 8th May, 1964. | Ministry of Law | Declaration containing the name of the candidate elected in the Aruppukottai constituency. |
| 123 | S.O. 1612, dated 8th May, 1964. | Election Commission, India. | List of contesting candidates in the election to the House of the People from 15 Bhilwara Parliamentary constituency. |
| 124 | S.O. 1613, dated 8th May, 1964. | Ministry of Information and Broadcasting. | Approval of films specified therein |

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 8th May 1964

S.O. 1695.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Uttar Pradesh hereby nominates Shri Krishan Chander Puri as the Chief Electoral Officer for the State of Uttar Pradesh with effect from afternoon of the 4th April, 1964, and until further orders *vice* Shri Lakshmi Prasad Nigam.

[No. 154/12/64.]

S.O. 1696.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 8 of 1964, presented to the Commission on the 6th May, 1964, under section 81 of the said Act by Shri M. C. Abraham, Member of the Legislative Assembly of Kerala, Advocate, Kottayam, Kerala, calling in question the election to the Council of States by the elected members of the Legislative Assembly of the State of Kerala of Shri Salay Mohamed Salt, Safa Mansion, Manthra Road, Cochin.

BEFORE THE ELECTION COMMISSION, INDIA, NEW DELHI**ELECTION PETITION No. 8 OF 1964****Petitioner:**

M. C. Abraham, Member of the Legislative Assembly of Kerala, Advocate, Kottayam.

Respondents:

1. Salay Mohamed Salt, Member, Rajya Sabha, Fasia Mansion, Manthra Road, Cochin.
2. C. K. Govindan Nair, Member, Rajya Sabha, Tellicherry.
3. Kizhedath Damodaran, Member, Rajya Sabha, Nangakkil House, Guruvayoor.
4. N. Gopala Pillai, Jayavillasom, Attingal.
5. Annie Thayyil, Advocate, Ernakulam.

1. The petitioner was an elector in the election to the Council of States by the elected member of the Legislative Assembly of Kerala held on 25th March 1964 to elect 3 members.

2. Respondents were candidates who contested the above election from Kerala on 25th March, 1964.

3. The 1st respondent secured 32 votes, the 2nd respondent 33 votes, the 3rd respondent 33 votes, the 4th respondent nil votes and the 5th respondent 26 votes at the election held on 25th March 1964.

4. Respondents, 1, 2 and 3 having secured more votes than the other contesting candidates, they were declared duly elected to the 3 seats by the elected members of the Legislative Assembly of Kerala.

5. The election of the 1st respondent to one of the seats in the Council of States by the elected members of the Legislative Assembly of Kerala on 25th March is void for the following reasons:

- (A) Corrupt practices were committed by the 1st respondent and by other persons with the consent of the 1st respondent.
- (B) The result of the election in so far as it concerns the 1st respondent had been materially affected by corrupt practices committed in the interests of the 1st respondent by his agents.

6. For the above reasons the election of respondent 1 is void and that the 5th respondent being the candidate who got more votes than the 4th respondent is liable to be declared elected in this case.

7. The particulars of the corrupt practice committed by 1st respondent are set out below:—

- (i) The 1st respondent, and other persons with the consent of respondent 1 paid money to the Praja Socialist Party in the Kerala Legislative Assembly and the members of the Praja Socialist Party in the Kerala Legislative Assembly with the object of inducing the members of that party to vote for respondent 1.
- (ii) Respondent 1, and other persons with the consent of respondent 1 paid gratification to other members of the Kerala Legislative Assembly with the object of inducing them to vote for respondent 1.
- (iii) Respondent 1, and other persons with the consent of respondent 1 offered gratification to members of Kerala Legislative Assembly with the object of inducing them to vote for him.
- (iv) Respondent 1, and other persons with the consent of 1st respondent hired or procured motor cars for the conveyance of electors to and from the polling station. Electors from various parts of the State were brought to and taken from the polling station, (Office of the Secretary of the Kerala Legislative Assembly, Trivandrum) in motor cars procured or hired by the 1st respondent or his agent or by other persons with the consent of the 1st respondent or his agent.
- (v) At the counting of votes a number of votes which were invalid were counted as valid. Also a number of votes which were really cast in favour of Respondent 5 were treated as cast in favour of the respondent 1 and then counted. The result of the election was vitiated by the above illegalities.

The petitioner therefore prays:—

- (a) that the election of respondent 1 to the Council of States by the elected members of the Kerala Legislative Assembly at the election held on 25th March 1964 be declared void;
- (b) The 5th respondent be declared to be duly elected to the Council of States by the elected members of the Kerala Legislative Assembly at the election held on 25th March 1964;
- (c) The votes cast by the elected members of Kerala Legislative Assembly at the election of 3 members to the Council of State held on 25th March 1964 be recounted and;
- (d) The costs of the petitioner be awarded to the petitioner.

Dated this the 4th day of May, 1964.

Petitioner: (Sd.)

Verification

I, M.C. Abraham, aged 43, son of Chummar, Advocate, Kottayam do hereby solemnly verify that the contents of the above paragraphs are true to personal information received by me and believed to be true.

Dated 4th May, 1964.

Petitioner: (Sd.)

The petitioner has enclosed herewith required number of copies of the petition and chalan receipt for deposit of Rs. 2,000/- in the District Treasury at Ernakulam in favour of the Election Commission (deposit made for Election petition), the chalan receipt No. being 113.

Petitioner: (Sd)

True Copy.

(Sd.) Illegible.

[No. 82/8/64.]

New Delhi, the 11th May 1964

S.O. 1697—Whereas the election of Shri Rajendra Prasad Jain to the Council of States by the elected members of the Legislative Assembly of the State of Bihar has been called in question by an election petition presented under Part VI of

the Representation of the People Act, 1951 (43 of 1951) by Shri Sheel Bhadra Yajee S/o Shri Shrotahal Singh, resident of Village Bakhtiarpur, P.O. and P. S. Bhakhtiarpur, District Patna;

And whereas the Election Commission has caused a copy of the petition to be published in the official gazette and has served a copy thereof by post, on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Chandrika Prasad Sinha, District and Sessions Judge, Patna as the member of the Election Tribunal for the trial of the said petition and Patna as the place where the trial of the petition shall be held.

[No. 82/7/64.]

New Delhi, the 12th May 1964

S.O. 1698—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 9 of 1964, presented to the Commission on the 6th May, 1964, under section 81 of the said Act, by Shri Z. A. Ahmad, son of Shri Ziauddin Ahmad, 4B Family Suites, Royal Hotel Lucknow, calling in question the election of Shrimati Sarla Devi to the Council of States by the elected members of the Uttar Pradesh Legislative Assembly.

BEFORE THE ELECTION COMMISSION, NEW DELHI

ELECTION PETITION NO. 9 OF 1964

Z. A. Ahmad, son of Shri Ziauddin Ahmad, resident of 210, Moh. Sitaram, Azamgarh City, (U.P.) at present residing at 4B, Family Suites, Royal Hotel, Lucknow.—*Petitioner.*

versus

1. Shri Faridul Haq Ansari, son of Shri Nizamul Haq Ansari, residing at 539, Mohammadabad, District Ghazipur.
2. Shri Dattopant Thengari, son of Shri Bapurao Daji Thengri, residing at Sangh Karyalaye, Gandhinagar, Kanpur.
3. Shri A. C. Gilbert, son of Shri T. C. Gilbert, residing at 49, New Katra Extension Scheme, Allahabad.
4. Shri Shyam Sunder Narain Tankha, son of Pt. Brij Narain Tankha, Residing at House No. 31/4 Moh. Kaiserbagh, Lucknow.
5. Shri Tarkeshwar, son of Shri Anrudh, residing at 126, Moh. Jagdishpur, Ballia.
6. Shri Umashanker Dixit, son of Shri Ramsarup Dixit, residing at House No. 68, Nazarbagh, Lucknow.
7. Col. Bashir Husain, son of Shri Shaukat Hussain, residing at House No. 11/4 Ward No. 4, University Road, Aligarh.
8. Shri Mahabir Prasad, son of Shri Shiva Datt, residing at 1203, Bagh Muzaffar Khan, Agra.
9. Shri Mahabir Prasad, son of Shri Jhulru Ram, residing at 1, Raipura Uparhar, P.O. Madra Makundpur, District Allahabad.
10. Shri Ram Singh, son of Sardar Inder Singh, residing at 7/113 Swaroop Nagar, Kanpur.
11. Shrimati Sarla Devi, wife of Shri Arjun Singh Bhadoria, residing at 146, Ayara Luhya (West), P.O. Basrehar, District Etawah.
12. Shri Gulab Chand, son of Shri Amir Chand, residing at 16/19 Civil Lines, Kanpur.
13. Shri Hari Charan, son of Ramcharan, residing at Chah Dahla Chawk Lucknow.
14. Shri Ramendra Nath Varma, son of Shri Lallan Prasad, Residing at Khanna Villa, R.B.L. Road, Lucknow.

—Respondents.

Election Petition under Section 81 of the Representation of People Act 1951 relating to the Biennial Elections to the Council of States by the elected members of Uttar Pradesh Legislative Assembly

The petitioner above named begs to state as under:

1. That the petitioner was a candidate in the biennial election to the Council of States by the elected members of the Uttar Pradesh Legislative Assembly. These elections were held on the 26th March 1964. The petitioner is thus entitled to present this petition.

2. That the nomination papers for the said election were filed between the 4th and 11th of March 1964. The petitioner and the respondents, Nos. 1 to 14, had filed their nomination papers in the said election.

3. That the scrutiny of the nomination papers took place on the 13th of March 1964. All the nomination papers were found valid.

4. That on the 16th of March 1964, the date fixed for withdrawals, the respondents Nos. 12 to 14 withdrew their nominations.

5. That thus there were only 12 contesting candidates, namely the petitioner and the Respondents Nos. 1 to 11.

6. That the number of persons to be elected at the said election was 11.

7. That the election was held in accordance with the system of election known as the single transferable vote system.

8. That the polling took place on the 26th of March 1964 and the result of the election was also declared on the same day.

9. That the Respondents Nos. 1 to 11 have been declared elected by the Returning Officer.

10. That the return of the said election shows that at the time of the last count Smt. Sarla Devi, the Respondent No. 11, who was the last candidate to be declared elected, polled 3301 votes while the petitioner polled 3272 votes. The petitioner was declared to have been defeated by 29 votes only.

11. That the petitioner submits that the election of the Respondent No. 11, Shrimati Sarla Devi, is void and liable to be set aside on the following grounds:

- (a) That the result of the election has been materially affected on account of the improper rejection of one ballot paper as invalid by the Returning Officer in the first count on the basis of an erroneous view that the figure 1 was so placed as to render it doubtful to which candidate the said figure was intended to apply. The true position in respect of the said ballot paper was that the figure 1 was set opposite the name of the petitioner and it was not so placed as to render it doubtful as to which candidate the figure applied. The Returning Officer ought to have held that the said ballot paper contained a first preference in favour of the petitioner. The figure 1 was written in Hindi in that ballot paper opposite the name of petitioner and the said ballot paper was valid in all respects. The said ballot paper, which is the only ballot paper rejected by the Returning Officer, should have therefore been counted as a valid first preference in favour of the petitioner. The value of each first preference being one hundred votes, if the said ballot paper had not been improperly rejected by the Returning Officer the petitioner would have obtained 3372 votes and would have been declared elected.
- (b) That the election agent of the petitioner filed an objection in writing before the Returning Officer, during the counting against the improper rejection of the said one ballot paper. The Returning Officer wrongly and improperly overruled the objection.
- (c) That the counting of votes was not done in accordance with the procedure prescribed by the Act and the Rules and the result of the election has been materially affected thereby.
- (d) That had the said one ballot paper purporting to give the first preference to the petitioner not been illegally and improperly rejected by the Returning Officer the petitioner would have got 3372 votes and thus would have been declared duly elected in place of Shrimati Sarla Devi the Respondent No. 11 who has secured 3301 votes only. The result of the election has thus been materially affected on account of the improper rejection of the said one ballot paper by the Returning Officer.

12. That the petitioner, therefore, claims that on a proper scrutiny, inspection of all ballot papers and consequent recounting the petitioner is bound to be declared elected and the election of Shrimati Sarla Devi the respondent No. 11 is liable to be set aside.

13. That the cause of action for the claim of the petitioner has arisen on the 26th March 1964 when the results of said election was declared.

14. That the petitioner has deposited the sum of Rs. 2000/- as security for the costs of the petition as required by law. The treasury challan is attached with the petition.

Prayer

The petitioner, therefore, prays:

(1) that the election of the Respondent No. 11, Shrimati Sarla Devi, to the Council of States in the biennial election by the elected members of the Uttar Pradesh Legislative Assembly held on the 26th of March 1964 be declared void and the petitioner be declared to have been duly elected as a member of the Council of States in the said election in place of Shrimati Sarla Devi;

(2) Costs of the petition be allowed; and

(3) any other relief that may be deemed fit be allowed.

Z. A. AHMAD,
Petitioner.

Verification

I, Z. A. Ahmad, the petitioner hereby verify that the contents of paras 1 to 14 of this petition are true to my personal knowledge.

Verified this Sixth day of May 1964 at New Delhi.

Z. A. AHMAD,
Petitioner.
[No. 82/9/64.]

S.O. 1699.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 10 of 1964, presented to the Commission on the 8th May, 1964, under section 81 of the said Act, by S. Satnam Singh Bajwa, M.L.A., son of S. Chatar Singh, Village Mokal, P.O. Dhapai, Tehsil Batala, District Gurdaspur, calling in question the election of Lala Jagat Narain and Shri Uttam Singh Duggal, to the Council of States by the elected members of the Punjab Legislative Assembly.

ELECTION PETITION No. 10 of 1964

Presented to me by Shri Jai Inder Singh who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the 8th day of May, one thousand nine hundred and sixty-four.

Sd./- JAI Inder Singh, M.L.A.,
8-5-1964.

Sd./- ROSHAN LAL,
8-5-1964,
Under Secretary,
Election Commission, India.

Attested.
Sd./- ROSHAN LAL,
8-5-1964,
Under Secretary,
Election Commission, India.

BEFORE THE ELECTION COMMISSION, INDIA, NEW DELHI

S. Satnam Singh Bajwa, Member of the Legislative Assembly, Punjab, son of S. Chater Singh, Village Mokai, P.O. Dhapai, Tehsil Batala, District Gurdaspur—*Petitioner.*

Versus

- | | |
|---|-------------------------------------|
| 1. Shri Anup Singh, Village and P.O. Akal-gadda, District Amritsar. | } Members of the Council of States. |
| 2. Lala Jagat Narain, Pucca Bagh, Jullundur. | |
| 3. Her Highness Maharani Mohinder Kaur, Moti Bagh Palace, Patiala. | |
| 4. Shri Uttam Singh Duggal, 18, Ratendon Road, New Delhi | |
- (successful candidates in the Biennial Election to the Council of States by the Elected Members of the Punjab Legislative Assembly).
5. Shrimati Nirlep Kaur, House No. 6-A, Sector 4, Chandigarh.
 6. Shri Amar Singh, 1-C, Sector 4, Chandigarh.
 7. Shri Anand Kumar, House No. 1, Village Salampur, Zail Rawa, Thana Shahabad, Tehsil Thanesar, District Karnal.
 8. Shri Chaman Lal, 75-C, Sector 10-A, Chandigarh.
 9. Shri Jagan Nath, Advocate, 4-B, Sector 9-C, Chandigarh.
 10. Shri Karnail Singh, Village and P.O. Chhajalwadi, Tehsil and District Amritsar.
 11. Shri Krishnamurthy, C/o Chaudhri Harkishan, M.L.C., Central Co-operative Bank Ltd., Gurgaon.
 12. Shri Mehar Chand (Dawar), 32-B Block, Connaught Place, New Delhi.
 13. Shri Tara Chand Khushi Ram, Lachhmansar, Amritsar
(unsuccessful candidates in the Biennial Election to the Council of States by the elected Members of the Punjab Legislative Assembly).
 14. Shri Teja Singh, M.L.C., Punjab State Council of the Communist Party of India, Jullundur City.

Election Petition under Section 80, 81, etc., of the Representation of the People Act, 1951.

The Petitioner respectfully states as follows:—

1. That the Petitioner is a Member of the Punjab Legislative Assembly and was entitled to vote for the Biennial Election of Members to the Council of States by the Elected Members of the Punjab Legislative Assembly held on 26th March 1964. His name appears at No. 123 in the List of Members of the Punjab Legislative Assembly maintained under Section 152(1) of the Representation of the People Act, 1951 (hereinafter called the 'List') and he is also an Elector for the Parliamentary and Punjab Legislative Assembly Constituency, his name being recorded as an Elector at No. 1412 of Electoral Roll relating to Sri Gobindpur Assembly Constituency, Part No. 37, Patwar Circle, Kandila. Consequently he is entitled to file this Election Petition.

2. That four vacancies caused by the retirement of Members of the Council of States, elected by the Members of the Punjab Legislative Assembly, were to occur on 2nd April 1964 and in order to fill the same, election was held on 26th March 1964.

3. That Respondents Nos. 1 to 13 contested the Biennial Election to the Council of States by the Elected Members of the Punjab Legislative Assembly to fill four vacancies caused as stated in paragraph 2 above. Respondents Nos. 1 to 4 were declared elected and the result of voting is noted against each of the candidates as per attested copy of Form 23 (Return of Election), attached herewith which may be read as a part of this para of the Petition.

4. That Shri Uttam Singh Duggal, Respondent No. 4, was not qualified and was also disqualified to be chosen to fill the seat for which the election referred to above took place, on the grounds stated below:—

- (a) He was not an Elector for a Parliamentary Constituency in the State of Punjab.
- (b) Although S. Uttam Singh Duggal, Respondent No. 4, mentioned in his Nomination Paper that he was Elector at No. 1761, Ballabgarh

Assembly-cum-Parliamentary Constituency, Gurgaon, but as a matter of fact, this entry does not relate to him. Even otherwise he was not a resident of Priestly Duggal, Faridabad. He has always been a resident of Delhi and has been recorded as a voter for elections under the Representation of People Act, 1951, in the Electoral Roll relating to Delhi and New Delhi. Again, he does not acquire the status of an Elector for a Parliamentary Constituency in the State of Punjab (assuming that he was so recorded) inasmuch as having been recorded at more than one place as a voter, he has lost his right to vote at Faridabad.

- (c) In the Nomination Paper filed by Shri Uttam Singh Duggal, in column No. 5, the Electoral Roll No. given is wholly wrong. The provisions of the law and the rules under which the Part of the Roll and other particulars of the Roll are to be given are not at all stated. The Nomination Paper is liable to be rejected for this reason also and it should have been rejected by the Returning Officer.
- (d) He was disqualified from standing for election inasmuch as under Section 7(d) of the Representation of the People Act, 1951, there subsisted contracts entered into during the course of trade or business by him with the Central Government viz. M.E.S., and Central P.W.D., etc., in the name of Messrs. Uttam Singh Duggal & Sons, New Delhi, and in other names for the supplies of goods to or the execution of any works undertaken by the said Government. *Inter alia* Shri Uttam Singh Duggal, respondent No. 4, had the following contracts through his firms:—
- (i) Chandigarh Airport and Air Force at Chandigarh.
 - (ii) Ravi Bridge near Madhopur.
 - (iii) Jamuna Bridges at Delhi.
 - (iv) Construction Works at Bhilai Steel Works.
 - (v) Construction Works at Madras Port.
 - (vi) Construction Works at Air Field in Assam.
 - (vii) Construction Works at Bhilai Steel Works.
 - (viii) Construction Works at Air Fields at Assam.

Objection regarding this was raised before the Returning Officer who illegally rejected the same *vide* his order dated 14th March 1964 which order is also liable to be set aside.

5. (a) That similarly, Respondent No. 2, L. Jagat Narain, was not qualified to stand for the said election inasmuch as he was not an Elector for any Parliamentary Constituency in the State of Punjab. The number on the Electoral Roll given in his Nomination Paper does not relate to him. In any case, it is not in accordance with the law and the rules (assuming that it relates to him) inasmuch as the Parts etc. of the Roll have not been correctly specified in the same. His Nomination Papers should have been rejected by the Returning Officer.

(b) L. Jagat Narain is also disqualified from standing inasmuch as he has been publishing advertisements on payment on behalf of the Central Government in his paper 'Hind Samachar' and he has been getting quota of the paper for printing his newspaper from the Central Government under a contract. Thus he is disqualified under section 7(d) of the Representation of the People Act, 1951. So far as the Nominations of Shri Uttam Singh Duggal and L. Jagat Narain are concerned, these are null and void inasmuch as the provisions of law contained in Chapter I of Part V of the Representation of the People Act, 1951, have been violated and not complied with.

6. That Shri Uttam Singh Duggal, Respondent No. 4, committed the corrupt practice of bribery as defined in Section 123(1) of the Representation of the People Act, 1951, inasmuch as he himself paid the following amounts to the following Electors i.e. the persons whose names appear in the 'List' with the object of inducing them to vote for him:—

- (a) Rs. 5,000/- on 19th March 1964 to S. Gurmej Singh, M.L.A., at the new Legislators Hostel, Chandigarh.
- (b) Rs. 5,000/- on 19th March 1964 to Shri Makhon Singh, M.L.A., at the Legislators Hostel, Chandigarh.

- (c) Rs. 5,000/- on 19th March 1964 to S. Tara Singh Lyallpuri, M.L.A., at the residence of Shri Uttam Singh Duggal in Sector 8, Chandigarh.
- (d) Rs. 5,000/- on 24th February 1964 to Shri Jagan Nath, M.L.A., near the Lake, Chandigarh.
- (e) Rs. 5,000/- on 24th March 1964 to Shri Kulbir Singh, M.L.A., near the Lake, Chandigarh.
- (f) Rs. 5,000/- on 23rd March 1964 to Shri Jagjit Singh Gogoani, M.L.A., at the residence of Shri Kartar Singh Duggal, Sector 5, Chandigarh.
- (g) Rs. 5,000/- on 25th March 1964 to Shri Darshan Singh, M.L.A., at the Legislators' Hostel, Chandigarh.
- (h) Rs. 5,000/- on 25th March 1964 to Shri Trilochan Singh Ruasti, M.L.A., at the Legislators' Hostel, Chandigarh.
- (i) Rs. 5,000/- on 24th March 1964 to Shri Ajaib Singh, M.L.A., at Aroma Restaurant, Chandigarh.
- (j) Rs. 5,000/- on 23rd March 1964 to Shri Makhan Singh Tarsikka, M.L.A., in Kwality Restaurant, Chandigarh.

7. That Shri Lachhman Singh Gill, M.L.A., and Shri Prem Singh Marhwah, son-in-law of Shri Uttam Singh Duggal, who were agents, supporters and workers of Shri Uttam Singh Duggal, Respondent No. 4, with his consent and in his presence paid the following amounts to the following Electors with the object of inducing them to vote for him and thus they committed the corrupt practice of bribery as defined in Section 123(1) of the Representation of the People Act, 1951:—

- (a) Rs. 5,000/- on 23rd March 1964 to Shri Mukhtiar Singh, M.L.A., through Shri Lachhman Singh Gill at the Legislators' Hostel, Chandigarh.
- (b) Rs. 5,000/- on 23rd March 1964 to Shri Fateh Chand, M.L.A., through Shri Lachhman Singh Gill at the Kwality Restaurant, Chandigarh.
- (c) Rs. 5,000/- on 26th March 1964 to Shri Net Ram, M.L.A., through S. Prem Singh Marhwah, son-in-law of Shri Uttam Singh Duggal, in the Legislature Building, Sector 1, Chandigarh.
- (d) Rs. 5,000/- on 21st March 1964 to Shri Ajit Kumar, M.L.A., through Shri Lachhman Singh Gill at Ludhiana.

Shri Lachhman Singh also acted as Counting Agent of Shri Uttam Singh Duggal and helped him during his election.

8. That in the Daily Hind Samachar dated 20th March 1964, news was published in Urdu which along with its translation in English is as follows.—

(Page 1 of Hind Samachar dated 20th March 1964)

دسہزار لاکھمن سنگھ گل نے راجیہ سبھا کے امیدوار اوتھ سنگھ دوگل کو سلت دھڑے کے ووٹ دلانے کیلئے تین لاکھ روپیہ میں سودا کیا ہے۔

"Sardar Lachhman Singh Gill has struck a bargain for Rupees three lakhs in order to secure votes of Sant Group for S. Uttam Singh Duggal, the candidate for Rajya Sabha."

9. That the following Members of the Punjab Legislative Assembly, entered in the List, belong to the Group of Sant Fateh Singh, President of the Shiromani Akali Dal, Amritsar:—

- 1. Shri Lachhman Singh Gill, M.L.A.
- 2. Shri Tara Singh Lyallpuri, M.L.A.
- 3. Shri Jagjit Singh Gogoani, M.L.A.
- 4. Shri Surjit Singh Theri, M.L.A.
- 5. Shri Tej Singh, M.L.A.
- 6. Jathedar Hardit Singh, M.L.A.
- 7. Shri Kultar Singh, M.L.A.
- 8. Shri Gurmej Singh Jathedar (Batala), M.L.A.
- 9. S. Gurbakhshish Singh, M.L.A.

10. That in the election to fill the seat of the Punjab Legislative Assembly from Patti Constituency, S. Uttam Singh Duggal paid rupees twenty-five thousand to Sant Fateh Singh, referred to in para 9

after consulting and getting approval of the members referred to in para 9 above, in order to induce him to force the Members of the Legislative Assembly, referred to in paragraph 9 above, to vote for Shri Uttam Singh Duggal in the Biennial Election in dispute. This amount was paid to Sant Fateh Singh on 24th February 1964 at Patti. Shri Lachhman Singh Gill, who was the active supporter and agent of Shri Uttam Singh Duggal, accompanied him, and this amount was paid with the object of directly and indirectly inducing Sant Fateh Singh to procure votes for him and the said Members of the Legislative Assembly, belonging to the group of Sant Fateh Singh, to vote for Shri Uttam Singh Duggal at the said Biennial Election and thus all these persons committed the corrupt practice of bribery as defined in Section 123(1) of the Representation of the People Act, 1951.

11. That on 15th March 1964, Sant Fateh Singh came to Chandigarh and held a meeting on 16th March 1964 in the Sub-Office of Shiromani Gurdwara Parbandhak Committee, situated in Sector 8, Chandigarh, where all the Members of the Punjab Legislative Assembly, belonging to his group, referred to in paragraph 9 above, assembled, where it was decided that as Shri Uttam Singh Duggal had given Rupees twenty-five thousand, as stated above, to Sant Fateh Singh in the Patti Bye-election and as the Sant had promised that he would get the votes of the Members of the Assembly belonging to his group, they were bound to give votes in favour of Shri Uttam Singh Duggal. At this meeting, Shri Gurbakhsh Singh, Shri Jagjit Singh Gogoani, and Shri Surjit Singh Theri, Members of the Punjab Legislative Assembly, first objected to their giving votes for Shri Uttam Singh Duggal on the ground that their votes would be deemed as purchased by Shri Uttam Singh Duggal through Shri Lachhman Singh Gill but subsequently they were prevailed upon by Sant Fateh Singh to give their votes in favour of Shri Uttam Singh Duggal which they actually did.

12. That Shri Uttam Singh Duggal also committed the corrupt practice as defined in Section 123(2) of the Representation of the People Act, 1951, inasmuch as Sant Fateh Singh with the consent of the said Shri Uttam Singh Duggal got promises on oath from the M.L.As. referred to in paragraph 9 above, and solemn prayer (Ardas) according to Sikh religion was performed by Sant Fateh Singh to support Shri Uttam Singh Duggal. This happened on 16th March 1964 after the close of the meeting referred to in paragraph 11 above.

13. That Shri Uttam Singh Duggal committed the corrupt practice of undue influence as defined in Section 123(2) of the Representation of the People Act, 1951, inasmuch as with his consent, as active supporter and helper, Sant Fateh Singh induced the Members of the Legislative Assembly belonging to his group, referred to above, to take oaths on 26th March 1964, the date of polling, at Old Legislators' Hostel, before leaving that place in a procession led by Shri Uttam Singh Duggal. The said M.L.As. took oath after touching Gutka of Sukhmani Sahib.

14. That Shri Uttam Singh Duggal led a procession in which the following Members of the Punjab Legislative Assembly followed him when they left the Old Legislators' Hostel on 26th March 1964 for casting their votes in favour of Shri Uttam Singh Duggal, and they were raising slogans of "Sat Sri Akal!":—

1. Shri Lachhman Singh Gill, M.L.A.
2. Shri Tara Singh Lyallpuri, M.L.A.
3. Shri Jagjit Singh Gogoani, M.L.A.
4. Shri Surjit Singh Theri, M.L.A.
5. S. Tej Singh, M.L.A.
6. Jathedar Hardit Singh, M.L.A.
7. Shri Kultar Singh, M.L.A.
8. S. Gurmej Singh Jathedar, M.L.A.
9. Shri Gurbakhsh Singh, M.L.A.

Akali Members belonging to
Sant Fateh Singh Group.

10. Master Babu Singh, M.L.A.
11. Comrade Bhan Singh Bhaura, M.L.A.
12. Comrade Didar Singh, M.L.A.
13. Comrade Gurbakhsh Singh Dhurkot,
M.L.A.
14. Comrade Hardit Singh Bhathal, M.L.A.
15. Shri Jangir Singh Joga, M.L.A.
16. Shri Makhan Singh Tarsikka, M.L.A.
17. Shri Shamsher Singh Josh, M.L.A.

Communist Members.

15. That on 15th March 1964, S. Uttam Singh Duggal paid rupees twenty-five thousand to Shri Jangir Singh Joga, representing the Communist Party in the

Punjab at Chandigarh, for getting votes of the Communist Members of the Legislative Assembly detailed below:—

1. Babu Singh, Master, M.L.A.
2. Bhan Singh Bhaura, Comrade, M.L.A.
3. Didar Singh, Comrade, M.L.A.
4. Gurbakhsh Singh Dhurkot, Comrade, M.L.A.
5. Hardit Singh Bhathal, Comrade, M.L.A.
6. Jangir Singh Joga, Shri, M.L.A.
7. Makhan Singh Tarsikka, Shri, M.L.A.
8. Shamsher Singh Josh, M.L.A.

It was agreed that Shri Uttam Singh Duggal would get all the votes of the Communist Members referred to above and the said amount of Rupees twenty-five thousand paid by Shri Uttam Singh Duggal would be spent on the election of the Communist candidate who would stand from the Mahal Kalan Assembly Constituency which election took place on 3rd May 1964. In this way, the persons referred to above committed the corrupt practice of bribery and undue influence as defined in section 123(1) and (2) of the Representation of the People Act, 1951.

16. That Shri Teja Singh Swatantar, M.L.C., a Communist Candidate for the Punjab Legislative Council, who had the support of all the Communist Members and Members of Sant Fateh Singh Group in the Punjab Legislative Assembly, could not succeed in the election unless three votes of Members of the Legislative Assembly other than the Communist Members and Members of Sant Fateh Singh Group were obtained for Shri Teja Singh Swatantar. In order to secure the votes of the above-mentioned M.L.As. detailed in paragraph No. 15 above, Shri Uttam Singh Duggal agreed to purchase three votes for S. Teja Singh Swatantar who was to induce the said M.L.As. to vote for Shri Uttam Singh Duggal as a result of this bargain which was fully approved by the M.L.As. referred to in paragraph No. 15 above. Shri Uttam Singh Duggal paid Rs. 3,000/- each for purchasing the votes of the following Members of Punjab Legislative Assembly in favour of Shri Teja Singh Swatantar in pursuance of the bargain referred to above:—

1. Shri Ajaib Singh, M.L.A., Rupar.
2. Shri Ajit Kumar, M.L.A., Ludhiana.
3. Shri Jagan Nath, M.L.A., Hissar.

These three Members actually received this amount from Shri Kartar Singh Duggal with the consent of Shri Uttam Singh Duggal on 25th March 1964 at the Old Legislators' Hostel and voted for Shri Teja Singh Swatantar as a result of which he succeeded as a Member of the Punjab Legislative Council and the eight M.L.As. referred to in paragraph No. 15 above voted for Shri Uttam Singh Duggal and thus all of them committed the corrupt practice of bribery and undue influence as defined in Section 123(1) and (2) of the Representation of the People Act, 1951.

17. That Shri Uttam Singh Duggal committed the corrupt practice of bribery as defined under Section 123(2) of the Representation of the People Act, 1951, in the form of TREATING inasmuch as he entertained the following Members of the Legislative Assembly on a wide scale:—

1. Shri Tara Singh Lyallpuri, M.L.A.
2. Shri Gurmej Singh, M.L.A.
3. Shri Makhan Singh Harruwal, M.L.A.
4. Shri Jagjit Singh Gogoani, M.L.A.
5. Shri Makhan Singh Tarsikka, M.L.A.
6. Shri Mukhtiar Singh, M.L.A.
7. Shri Fateh Chand Vij, M.L.A.
8. Shri Jagan Nath, M.L.A.
9. Shri Ajit Kumar, M.L.A.
10. Shri Tek Ram, M.L.A.
11. Shri Surjit Singh Theri, M.L.A.
12. Shri Hardit Singh Jathedar, M.L.A.

- 13 Shri Darshan Singh, M L A
- 14 Shri Trilochan Singh Riasti, M L A
- 15 Shri Dev Raj Anand M L A
- 16 Shri Ajaib Singh, M L A
- 17 Shri Gurnam Singh, M L A
- 18 Ch Hardwar Lal, M L A
- 19 Shri Inder Singh, M L A
- 20 Shri Ram Singh, M L A
- 21 Shri Tej Singh, M L A
- 22 Shri Kultar Singh, M L A

This corrupt practice, in the form of Treating, was committed on a very wide scale. These Members used to go for dinner at the place of residence of Shri Uttam Singh Duggal in Sector 8 Chandigarh on 20th March 1964 23rd March 1964 24th March 1964 and 25th March 1964 in groups where wine and rich food on a very large scale, were served by Shri Uttam Singh Duggal in order to induce them to vote for him and thus the corrupt practice of bribery as defined in Section 123(1) of the Representation of the People Act, 1951, was committed by all of them

18 That Shri Kultar Singh M L A, who was unseated as a result of an election petition and whose appeal was pending in the Supreme Court, voted for Shri Uttam Singh Duggal inasmuch as Shri Uttam Singh Duggal had paid to him Rs 5,000/- as bribery as defined in Section 123(1) of the Representation of the People Act 1951 in order to induce him to vote for Shri Uttam Singh Duggal and he actually voted for him. This amount was given to cover the expenses, fees, etc., for conducting the appeal in the Supreme Court. This payment was made on 18th March 1964 at the Old Legislators' Hostel, Chandigarh

19 That the following Members of the Legislative Assembly were to vote for Shri Jagan Nath, Respondent No 9, and these M L As belong to the Punjab Congress Legislature Party but the result of counting showed that Shri Jagan Nath obtained only 21 first preference votes. It is clear that 13 Members out of the list given below did not vote for Shri Jagan Nath, the Congress candidate —

- 1 Benarsi Dass Gupta, Mahashe, M L A
- 2 Brij Bhan, Shri M L A
- 3 Chand Ram Verma, Shri, M L A
- 4 Chuhar Singh, Shri, M L A
- 5 Shri Makhan Singh Tarsikka, M L A
- 6 Dasondhi Ram Chaudhri, M L A
- 7 Gian Chand Shri, M L A
- 8 Gurmit Singh Mit, Sardar M L A
- 9 Hira Lal Shri, M L A
- 10 Jasdev Singh Sandhu Sardar, M L A
- 11 Kanhiya Lal Poswal Shri M L A
- 12 Jagir Singh Dard, Shri M L A
- 13 Mehar Singh, Thakur, M L A
- 14 Nihal Singh, Chaudhri (Mohindergarh) M L A
- 15 Nihal Singh, Rao (Pithrawas), M L A
- 16 Partap Singh Karon, Sardar, M L A
- 17 Pritam Singh Sahoke Sardar, M L A
- 18 Prabodh Chandra, Shri, M L A
- 19 Ram Dhari Balmiki Shri, M L A
- 20 Ram Kishan, Comrade, M L A
- 21 Ram Partap Garg, Shri, M L A
- 22 Ram Saran Chand Mital Shri, M L A
- 23 Rup Lal Mehta, Shri M L A
- 24 Rup Singh Phul Shri M L A
- 25 Shanno Devi Shrimati M L A

26. Sunder Singh, Chaudhri, M.L.A.
27. Surinder Nath Gautam, Shri, M.L.A.
28. Ujagar Singh, Sardar, M.L.A.
29. Yash Pal, Shri, M.L.A.
30. Ram Dhari Gaur, Shri, M.L.A.
31. Rulya Ram, Shri, M.L.A.
32. Har Kishan, Shri, M.L.A.
33. Multan Singh, Chaudhri, M.L.A.
34. Jagjit Singh, Tikka, M.L.A.

20. That 34 Members of the Punjab Legislative Assembly referred to in paragraph No. 19 above belonged to the Congress Party and their votes were allotted to Shri Jagan Nath, Respondent No. 9, the Congress Candidate, but to the great astonishment of all, 13 Members out of the said 34 Members did not vote for Shri Jagan Nath, Respondent No. 9. It will, therefore, be necessary in the interests of Justice to open the Ballot Boxes and to examine the Ballot Papers in order to know who these 13 Members are. It is stated on information that 9 out of the said 34 Congress Members voted for L. Jagat Narain and 3 Members out of the said 34 Members voted for Shrimati Nirlep Kaur, Respondent No. 5, and one Member out of the said 34 Members voted for Shri Uttam Singh Duggal, Respondent No. 4.

21. That L. Jagat Narain made an appeal to vote for him and refrain from voting for any other candidate on the ground of his religion, caste, community and language for the furtherance of the prospects of the election of the said L. Jagat Narain and for prejudicially affecting the election of Shri Jagan Nath, Respondent No. 9. This appeal was made to all the M.L.As. on the 'List' professing Hindu religion on the ground that he as well as the said voters were Hindu by religion and so they should vote for him and that they should not vote for the Sikh candidates in the said election. Moreover, the language of the Hindus was Hindi and that of the Sikhs was Gurmukhi and, therefore, also the Hindu voters should vote for him and nobody else. This appeal was made on 19th March 1964 in the Lounge of the Legislature Building, Chandigarh. Similar appeals were made in his Daily Hind Samachar by him relevant portions of which will be produced later. These allegations also fall within the definition of the corrupt practice given in section 123(3-A) of the Representation of the People Act, 1951, inasmuch as L. Jagat Narain promoted and attempted to promote feelings of enmity and hatred between the different classes of the citizens of India on the ground of religion, caste, community and language for the furtherance of the prospects of his election and for prejudicially affecting the election of Shri Jagan Nath, Respondent No. 9.

22. That L. Jagat Narain, Shri Uttam Singh Duggal and Shrimati Nirlep Kaur, Respondents with the knowledge and consent of each other exercised undue influence as defined in section 123(2) of the Representation of the People Act, 1951, by directly and indirectly interfering or attempt to interfere on their parts and with the consent of each other with the free exercise of the electoral rights of 13 Members out of 34 Members referred to in paragraph No. 19 above and they also committed the corrupt practice of bribery by giving, offering and promising with the consent of each other to the said 13 Members gratification with the object directly or indirectly of inducing them to vote for them and refrain from voting for Shri Jagan Nath, Respondent No. 9. The said 13 Members were internally opposed to the Leader of the Congress Legislature Party and in fact were dissidents. L. Jagat Narain made promise with these Members that he would make all sorts of propaganda against S. Partap Singh Karon, the Chief Minister, and his Cabinet free of all charge. He also gave future hopes of supporting them in all possible ways direct or indirect to damage and harm the Chief Minister, Punjab, and the Congress Ministry. L. Jagat Narain further made promises that he would intensify propaganda already made by him in his paper in the name of Hindu religion falsely charging that the Chief Minister was responsible for killing Hindu Leadership and that he would vilify and scandalise the political opponents of the said voters. By this illegal and undue inducement and gratification, the said respondents and other persons named above have committed the corrupt practices as defined in Section 123(1) and (2) of the Representation of the People Act, 1951. In this way, all these persons have brought the political standards of decency to the lowest level. The very basis of democracy and free and fair elections has been shattered.

If such representatives to the highest organ of Indian democracy are allowed to be elected in this way, the people will lose confidence in the democracy and

world will laugh at it. In the interests of justice, democracy, and the Indian Nation, it is most essential that very strong steps should be taken so that no candidate for any election may dare to open his money bags to corrupt the voters.

In this background cleanliness in politics and elections, and removal of corruption from the same will be greatly promoted if the election of the said Respondents is declared void and the persons found guilty of the corrupt practices are named and disqualified.

23 That L Jagat Naram and Shri Uttam Singh Duggal, Respondents referred to above, along with Shrimati Nirlep Kaur, Respondent No 5, and Shri M S. Oberoi, Respondent No 14, owner of Imperial Hotel, New Delhi, and many other Hotels in India, committed many corrupt practices with the knowledge and consent of each other in order to support each other. The arrangement was that the voters on the List casting first preferences for Shrimati Nirlep Kaur would give second preferences to L Jagat Naram and Shri Uttam Singh Duggal half and half and similarly the voters on the List voting for L Jagat Naram and Shri Uttam Singh Duggal would give their second preferences to Shrimati Nirlep Kaur. In pursuance of this pact, the said Shri M S Oberoi came to Chandigarh from New Delhi with a view to help Shrimati Nirlep Kaur, L Jagat Naram and Shri Uttam Singh Duggal, Respondents in their election. Shri M S Oberoi and Shrimati Nirlep Kaur put up in the Mountview Hotel, Chandigarh. Shri M S. Oberoi was an active supporter and helper of Shrimati Nirlep Kaur, Shri Uttam Singh Duggal, and L Jagat Naram and corrupt practices as detailed below were committed by him. Shri M S Oberoi, as stated above, with the consent and knowledge of the said three candidates treated the voters on an extensive scale by giving the following parties to the following MLAs in order to induce them to vote in accordance with the arrangement made between Shri Oberoi and the three candidates referred to above —

1st Party on 17th March 1964

- | | |
|-------------------------------------|-----------------------------|
| 1 Shri Gurbakhsh Singh, M L A | } Invitees who were treated |
| 2 Shri Surjit Singh Theri, M L A | |
| 3 Shri Gurmej Singh, M L A (Batala) | |
| 4 Shri Makhan Singh, M L A | |
| 5 Shri Tara Singh Lvallpuri, M L A | |
| 6 Shri Jagjit Singh Gogoani, M L A | |

2nd Party on 24th March 1964

- | | |
|----------------------------|-----------------------------|
| 1. Ch Hardwar Lal, M L A | } Invitees who were treated |
| 2 Shri Gurnam Singh, M L A | |

3rd Party on 25th March 1964

- | | |
|----------------------------|-----------------------------|
| 1 Malik Inder Singh, M L A | } Invitees who were treated |
| 2 Ch Ram Singh, M L A | |

On all these functions, free drinks and dinners were served and Shrimati Nirlep Kaur used to be present. Thus L Jagat Naram and Shri Uttam Singh Duggal and all these persons are guilty of corrupt practice of bribery inasmuch as these acts were done by Shri M S Oberoi and Shrimati Nirlep Kaur with the consent of the said L Jagat Naram and Shri Uttam Singh Duggal in the form of Treating, and thus the corrupt practices under section 123(1) of the Representation of the People Act, 1951, were committed by all of them.

24 That Shri M S Oberoi, referred to in paragraph No 23 above, also committed the corrupt practice of bribery by purchasing votes for Shrimati Nirlep Kaur, Respondent No 5, in pursuance of the pact referred to in paragraph No 23 above by paying Rs 5,000/- each as a consideration for voting in accordance with the said pact to the following —

- 1 Shri Darshan Singh, M L A, on 23rd March 1964 at Chandigarh
- 2 Shri Trilochan Singh Riyasti, M L A, on 23rd March 1964 at Chandigarh.

3. Malik Inder Singh, M.L.A., on 24th March 1964 at Chandigarh.
4. Shri Ram Singh, M.L.A., on 24th March 1964 at Chandigarh.
5. Shri Ajaib Singh Sandhu, M.L.A., on 25th March 1964 at Chandigarh.

In fact all this was done by Shri M. S. Oberoi for the benefit and with the consent of Shrimati Nirlep Kaur, Shri Uttam Singh Duggal and L. Jagat Narain referred to above.

25. That from what is stated above, it is clear that Shri Uttam Singh Duggal and L. Jagat Narain, the returned candidates, and the other persons referred to above with their consent have committed various corrupt practices detailed above and their elections is liable to be declared void and the persons referred to above are liable to be named under section 99(1) (a) (2) of the Representation of the People Act, 1951. Thus the grounds for declaring election of L. Jagat Narain and Shri Uttam Singh Duggal as void taken in this petition *inter alia* are:—

- (a) That on the date of their election, the returned candidates Shri Uttam Singh Duggal and L. Jagat Narain were not qualified or were disqualified to be chosen to fill the seat under the Constitution or the Representation of the People Acts.
- (b) That corrupt practices have been committed by the said returned candidates or by other persons with the consent of the returned candidates.
- (c) That the result of the election of the said Respondents, in so far as it concerns the said returned candidates, has been materially affected by the improper acceptance of their Nominations, and by the various corrupt practices mentioned in this Petition committed in their interests by their agents as detailed above, and by the improper reception of votes which are void and by the non-compliance with the provisions of the Constitution and the Representation of the People Acts and Rules and Orders made under the said Acts.

It is thus clear that Shri Uttam Singh Duggal and L. Jagat Narain as stated above are guilty of the corrupt practice of bribery as detailed in various paras, that is to say, they have made gifts to and promises of gratifications to the persons referred to in the various relevant paragraphs with the object of directly or indirectly inducing them who were Electors to vote for the said candidates and to refrain from voting for Shri Jagan Nath, Respondent No. 9. The voters are also guilty of corrupt practices because of their having received the said gratification or the agreement to receive the said gratification as given in section 123(1)(B) of the Representation of the People Act, 1951.

From the facts stated in the relevant paras of this Petition, it is also clear that the said L. Jagat Narain and S. Uttam Singh Duggal have committed the corrupt practice of undue influence, that is to say, direct and indirect interference or attempt to interfere on the parts of the said candidates with the free exercise of the electoral rights of the Electors referred to in the relevant paragraphs. Not only this, by giving oaths and performing *Ardas*, etc. as stated in the relevant paragraphs, the said two elected candidates through their agents, who acted with their consent, induced or attempted to induce the Electors to believe that they would become or would be rendered objects of divine displeasure and spiritual censure.

L. Jagat Narain has also committed the corrupt practices mentioned in section 123(3)(3-A) of the Representation of the People Act, 1951, as explained above in the relevant para.

26. That even otherwise, the result of the election in so far as Shri Uttam Singh Duggal and L. Jagat Narain are concerned has been materially affected by improper reception of votes which are void for the reasons stated above and in case the votes obtained by corrupt practices are not counted for the returned candidates referred to above, their election is liable to be declared void. This improper reception of void votes and the improper acceptance of the Nominations of Shri Uttam Singh Duggal and L. Jagat Narain and the non-compliance with the provisions of the Constitution and the Representation of the People Acts and the Rules and Orders made thereunder has materially affected the result of election of the said returned candidates. It is further submitted that the grounds mentioned above are sufficient for declaring the election of the said two candidates void and on the basis of the facts stated in this petition, it is stated that but for the votes obtained by the said two returned candidates by corrupt practices, Shri Jagan Nath, Respondent No. 9, would have obtained a majority of the valid votes and so he may be declared to have been duly elected.

27. That it will be necessary to allow inspection and opening of the packets of unused Ballot Papers; the packets of used Ballot Papers whether valid, tendered or rejected; the packets of the list maintained under sub-section (1) or sub-section (2) of Section 152 of the Representation of the People Act, 1951, and other relevant papers *inter alia* on the following grounds:—

- (a) Knowledge of the names of the 13 M.L.As. who did not vote for Shri Jagan Nath, Respondent No. 9, is necessary in the interests of justice.
- (b) Similarly, knowledge of the names of the persons found to be guilty of corrupt practices who voted for the said two returned candidates i.e. L. Jagat Narain and Shri Uttam Singh Duggal is also necessary in the interests of justice.
- (c) Without opening the Ballot Boxes etc. and inspection of the relevant papers, void votes cannot be scored out.

28. That the date of the election of the returned candidates, Respondents 1 to 4, was 26th March 1964 and this Petition is being filed within forty-five days from that date.

29. That the Petitioner has deposited a sum of Rs. 2,000/- as required under Section 117 of the Representation of the People Act, 1951, as security, for the cost of the Election Petition, in favour of the Election Commissioner, India. The deposit receipt is attached herewith.

29-A. It is respectfully prayed that after setting aside the election of L. Jagat Narain and Shri Uttam Singh Duggal, Respondents, the defeated candidate, Shri Jagan Nath, Respondent No. 9, may be declared as duly elected after re-count and scrutiny of the votes and after ignoring the void votes obtained by corrupt practices etc.

30. It is, therefore, respectfully prayed that the election of Lala Jagat Narain and S. Uttam Singh Duggal, Respondents Nos. 2 and 4, may be declared as void and may be set aside and all the persons referred to above or other persons who may be found to be guilty of corrupt practices, may be named in accordance with Sections 98 and 99 of the Representation of the People Act, 1951, and may be disqualified as required by the law.

Sd./- SATNAM SINGH BAJWA,
(Signature of the Petitioner.)

Verification

I, Satnam Singh Bajwa, M.L.A., Petitioner, verify that the facts mentioned in paragraphs 1, 2, 3, 19, 28, and 29, including the contents of the Result Sheet, are true to the best of my knowledge and the facts mentioned in the remaining paragraphs are true to the best of my belief on the information received.

DATED: 6th May 1964.
PLACE: Chandigarh.

Sd./- SATNAM SINGH BAJWA,
(Signature of the Petitioner.)

Certified to be true copy of the Election Petition.

Sd./- SATNAM SINGH BAJWA,
(Signature of the Petitioner.)

FORM No. 25

Affidavit

(See Rule 94-A)

I, Satnam Singh Bajwa, Member of the Legislative Assembly, Punjab, son of S. Chater Singh, Village Mokai, Post Office Dhapai, Tehsil Batala, District Gurdaspur, the Petitioner in the accompanying Election Petition, calling in question the election of L. Jagat Narain, Respondent No. 2, and Shri Uttam Singh

Duggal, Respondent No. 4, in the said petition make solemn affirmation and say:—

- (a) That the statements made in paragraphs 5, 6, 9, 10, 11, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26 of the accompanying Election Petition about the commission of the corrupt practices of bribery as defined in Section 123(1) of the Representation of the People Act, 1951, and the particulars of such corrupt practices mentioned in the said paragraphs of the same petition are true to my information.
- (b) That the statements made in paragraphs 11, 12, 13, 15, 22 and 23 of the said petition about the commission of the corrupt practice of undue influence as defined in Section 123(2) of the Representation of the People Act, 1951, and the particulars of such corrupt practice given in the said paragraphs are true to my information.
- (c) That the statement made in paragraph 21 of the said petition about the commission of corrupt practice of the appeal to vote or refrain from voting on the ground of religion etc. and the promotion etc. of feelings of enmity or hatred between different classes etc., as defined in Section 123(3) and (3-A) of the Representation of the People Act, 1951, and the particulars of such corrupt practice given in the said paragraph are true to my information.

Sd./- SATNAM SINGH BAJWA,
(Signature of the Deponent.)

Solemnly affirmed by S. Satnam Singh Bajwa referred to above at Chandigarh this day the 6th of May, 1964, before me.

Sd./-
Magistrate 1st class.

FORM 23
Return of Election
[See rule 84(1) (a)]

BIENNIAL ELECTION TO THE COUNCIL OF STATES

(Election to the Council of States by the elected Members of the Punjab Legislative Assembly.)

The result of the poll and of the transfer of votes is as follows—

Number of valid votes = 151
Number of Members to be elected = four
Quota (Number of votes sufficient to secure the election of a candidate) = 3021

| Serial No. | Name of Candidate | First Count | Second Count | Third Count | Fourth Count | Fifth Count | Sixth Count | Seventh Count | | | | | | | | |
|------------|-------------------|--------------------------------|---|-------------|--|-------------|---|---------------|--|--------|--|--------|---|--------|---|--|
| | | Votes polled by each candidate | Transfer of the surplus of Shm. Mohinder Kaur | Result | Transfer of the surplus of Shri Anup Singh | Result | Distribution of Shri Krishna-murthy's votes | Result | Distribution of Shri Karnail Singh's votes | Result | Distribution of Shm. Nirlep Kaur's votes | Result | Distribution of Shri Jagan Nath's votes | Result | Names of elected candidates and order of election | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | |
| 1. | Amar Singh | Nil | | Nil | | Nil | | Nil | | Nil | | Nil | | Nil | | |
| 2. | Anand Kumar | Nil | | Nil | | Nil | | Nil | | Nil | | Nil | | Nil | | |
| 3. | Anup Singh | 3200E | | 3200E | -179 | 3021E | | 3021E | | 3021E | | 3021E | | 3021E | Elected | |
| 4. | Chaman Lal | Nil | | Nil | | Nil | | Nil | | Nil | | Nil | | Nil | | |
| 5. | Jagan Nath | 2100 | | 2100 | +105 | 2205 | | 2205 | +35 | 2240 | | 2240 | -2240 | Nil | | |
| 6. | Jagat Narain | 2100 | | 2100 | | 2100 | | 2100 | +100 | 2200 | +700 | 2900 | +135 | 3035E | Elected | |
| 7. | Karnail Singh | 600 | +70 | 670 | +35 | 705 | | 705 | -705 | Nil | | Nil | | Nil | | |
| 8. | Krishnamurthy | 100 | +70 | 170 | | 170 | -170 | Nil | | Nil | | Nil | | Nil | | |
| 9. | Mehar Chand Dawar | Nil | | Nil | | Nil | | Nil | | Nil | | Nil | | Nil | | |
| 10. | Mohinder Kaur | 3200E | -179 | 3021E | | 3021E | | 3021E | | 3021E | | 3021E | | 3021E | Elected | |
| 11. | Nirlep Kaur | 1400 | +35 | 1435 | +35 | 1470 | +135 | 1605 | +235 | 1840 | -1840 | Nil | | Nil | | |

| | | | | | | | | | | | | | | | |
|-----|---|-------|-----------|---------|-----------|---------|---------|-------|----------|-------|----------|--------|-----------|--|--|
| 12. | Tara Chand | | | | | | | | | | | | | | |
| | Khushi Ram | Nil | Nil | Nil | Nil | | Nil | | Nil | | | | | | |
| 13. | Uttam Singh | 2400 | 2400 | 2400 | 2400 | + 100 | 2500 | + 500 | 3000 | 3000 | | | | | Declared elected under Rule 81 of the conduct of Elec- tion Rule. |
| | Loss of value by neglect of fractions Exhausted | .. | ÷ 4 .. | 4 .. | + 4 .. | 8 .. | 8 35 | + 235 | 8 270 | + 640 | 8 910 | + 2105 | 8 3015 | | |
| | Total | 15100 | .. | 15100 | .. | 15100 | 15100 | | 15100 | | 15100 | | 15100 | | |

I declare that—

1. Anup Singh, V. & P. O. Akalgadda, District Amritsar,
2. Jagat Narain, Pucca Bagh, Jullundur,
3. Mohinder Kaur, Moti Bagh, Patiala, and
4. Uttam Singh, Priestly Duggal, Faridabad,

have been duly elected.

Dated 26-3-1964.

Attested.

Sd.

Electoral Officer, Punjab.

Sd. KULDIP CHAND BEDI,
Returning Officer.

Verification

I, Satnam Singh Bajwa, M.L.A., Election Petitioner, verify that the contents of the above Result Sheet are true to the best of my knowledge and belief.

SATNAM SINGH, BAJWA, M.L.A.)
Petitioner.

Chandigarh, the sixth May, 1964.

[No. 82/10/64.]

S.O. 1700.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order pronounced on the 21st April, 1964, by the Election Tribunal, Aligarh.

BEFORE THE ELECTION TRIBUNAL, ALIGARH

ELECTION PETITION No. 117 OF 1962

PRESENT:

Sri Bir Singh,

Sri Shiv Kumar Shastri—*Petitioner.*

Versus

Sri B. P. Maurya and others—*Respondents.*

JUDGMENT

On 11th April 1962, Sri Shiv Kumar Shastri filed this election petition before the Election Commission, India under Ss. 80 and 81 of the R. P. Act against Sri B. P. Maurya, respondent No. 1, Sri Jagan Nath, respondent No. 2, Sri Jarar Hyder, respondent No. 3, Sri Nahar Singh, respondent No. 4 and Sri Vasant Rao, respondent No. 5. This petition was received in this Tribunal on 25th May 1962.

According to petitioner, in February 1962, he along with the respondents fought the general election from 77 Aligarh Parliamentary Constituency to the Lok Sabha. He was an independent candidate, while respondent No. 1 was the Republican Party candidate; respondent No. 2 was set up by Ram Rajya Parishad; respondent No. 3 by the Congress Party; respondent No. 5 by Swatantra Party and respondent No. 4 was an independent candidate. The petitioner's symbol was 'horse and rider'; respondent No. 1's symbol was 'elephant', that of respondent No. 2 was 'rising sun', that of respondent No. 3 was 'two bullocks with yoke on', that of respondent No. 4 was 'bicycle' and that of respondent No. 5 was 'Star'. The 77 Aligarh Parliamentary Constituency comprised five State Assembly Constituencies and the poll was taken in that Constituency on 19th, 21st and 25th February, 1962. The counting of votes was done on 26th and 27th February, 1962 with the following result:

Petitioner—70,546—Respondent No. 1—73,751 Respondent No. 2—7,365 Respondent No. 3—37,148 Respondent No. 4—34,029 Respondent No. 5—19,493.

Ordinarily the result of the election should have been declared on the last counting date, i.e. on 27th February 1962. But the Returning Officer found that there had been no lawful polling in the Constituency, so he deferred the declaration of the result. There was considerable activity behind the curtain for two days, and on 1st March 1962 the Returning Officer declared the respondent No. 1 as the successful candidate. The Constituency did not get a fair and free opportunity to elect the candidate of its choice for more than one reason. Under Rule 5(1) of the Conduct of Election Rules, 1961, the Election Commission per Notification No. S.O. 2316 dated 19th September, 1961 specified the symbols that might be chosen by the candidates for the purpose of election. Accordingly the petitioner and the respondents chose their symbols aforesaid. On each of the ballot papers, the names of the candidates, and against each name the symbol chosen by that candidate were to be printed and engraved. Printing of ballot papers is done by means of a block. It so happened that in the instant case the petitioner's symbol was found missing against his name on one of the main blocks. From this incomplete and defective block about 55 thousand ballot papers were printed. These defective ballot papers were issued in large number at polling stations. On 19th February 1962, some of these defective ballot papers were detected at Nagla Padam polling station. The Returning Officer conveyed this information to the Election Commission, but nevertheless the subsequent polling was not suspended. On the contrary, the polling took place with these defective ballot papers on 21st and 25th February, 1962, thereby depriving the electorate of a fair and free opportunity to elect a candidate of their choice. This was a fraud on the electorate and the petitioner, which has materially affected the result of the election. Respondent No. 1, his agents and supporters took hold of this opportunity and mis-used it by carrying on a false propaganda at all the polling stations within the jurisdiction

of Iglas, Tappel, Koil cum Khair area on 19th February, 20th February 1962, 21st February 1962 and 25th February 1962 to the effect that the petitioner had withdrawn his candidature; that he was not contesting the election and that was why his symbol had not been printed on the ballot papers. The respondent No. 1 indulged in this reckless propaganda in order to prejudice the petitioner's prospects at the election and thereby was guilty of a corrupt practice under S. 123 (4) of the R.P. Act. During the election days, the petitioner received several letters from electors conveying their concern about the harm which was being caused to the petitioner's prospects due to the defective ballot papers. The district authorities had banned public meetings, speeches and propaganda during those days. The petitioner was, therefore, unable to dispel the general wrong impression created in the Constituency by this deliberate misleading propaganda on the part of respondent No. 1, his agents and workers. In this Constituency there were nearly 475,000 voters, out of whom about 255,696 actually voted. Out of the actual voters 70,546 cast their votes in favour of the petitioner, while 73,751 voted for respondent No. 1. As compared to the total number of votes cast, the difference between the votes obtained by the petitioner and the votes obtained by respondents No. 1 is negligible. But for the defective ballot papers and the mischievous propaganda, the petitioner would have come out successful with a large majority. Before the declaration of the result, the petitioner moved an application before the Returning Officer requesting for a re-count, but his request was turned down. If there had been a re-count, there would have been a substantial increase in the petitioner's votes. A re-count is necessary even now. The entire election to the House of People from this constituency is void *ab-initio*. Moreover, due to non-compliance with the provisions of the R.P. Act and Rules and orders made thereunder, the result of the petitioner has been materially affected. He, therefore, prays that respondent No. 1's election be declared as void, that the petitioner be declared as duly elected candidate, and that the respondent No. 1 be disqualified for membership of the Parliament and of the Legislature of every State in the Union of India for a period of six years in accordance with the provisions of S. 140, R.P. Act.

On 17th July 1962, the petitioner moved an amendment application alleging that in order to substantiate the allegation that certain invalid votes were improperly received in favour of respondent No. 1, the petitioner had given the particulars of such votes in Annexures L, M and N. He also gave the particulars of the ballot papers without the petitioner's symbols in Annexure P. He also mentioned in Annexure Q the particulars of the ballot papers which were validly cast in petitioner's favour but which were illegally rejected.

This application was opposed by respondent No. 1 per 68/Ga-2. Any how, my learned predecessor-in-office rejected the objection and allowed the amendment. Annexures L, M, N, P and Q were made part of this petition.

On 13th August 1962, my learned predecessor-in-office directed the petitioner to furnish amplification with regard to the allegation of corrupt practice alleged in the petition specifying the names of agents, supporters of respondent No. 1, the manner of the alleged propaganda and the places where the propaganda was indulged in. Accordingly on 16th August 1962 the petitioner mover 81/Ka-1 giving the particulars in Annexure R of the corrupt practices as adopted by Lal Pippal and Lekhi Ram, and in Annexure T the details of the corrupt practice as adopted by respondent No. 1's agents Babulal, Ramphul, Bhudeo Prasad, Reghubir Singh, Tej Singh, Basdeo, Har Prasad, Sheodan Singh, Ram Prasad, Netrapal, Babulal Pippal and Lekhi Ram, and in Annexure T the details of the corrupt practice as adopted by respondent No. 1's supporter Dr. Chandrapal Singh. These particulars were admitted by my learned predecessor-in-office on 24th August 1962.

The petition has been contested throughout by respondent No. 1. It was also contested in the beginning by Sri Jarar Hyder, respondent No. 3 and Sri Naher Singh respondent No. 4, but subsequently they dropped out and the proceedings were directed to be *ex parte* against them. Respondent No. 2 appeared in person on 2nd June 1962, but he absented himself subsequently; so on 19th July 1962 the proceedings were directed to be *ex parte* against him and also against respondent No. 5, who never put in his appearance in these proceedings.

The respondent No. 1 filed his written-statement on 17th July 1962, alleging that the petitioner had no cause of action, that the petition was improperly framed, that it disclosed no cause of action, that it was not maintainable on account of non-joinder of necessary parties, *viz.* the Election Commission and the Returning Officer. It was further contended that the petitioner was set up by the Arya Samaj, that he was supported by the Hindu Maha Sabha and the Jansangh. The Returning Officer and his staff conducted the election with care and diligence, and in accordance with rules and regulations. The result of counting was declared

after compliance of all formalities on 28th February 1962, and not on 1st March 1962. The election was free and fair. No irregularity of any kind was committed during its entire course and the electors were given full freedom to choose a representative of their choice. The printing of symbols on ballot papers is a mere formality. So long as ballot papers contain the names and other particulars of the contesting candidates, the election cannot be said to be ineffective in essence or substance. Out of the several lacs of ballot papers printed for use in this election, only 186 ballot papers were without the symbol of 'horse and rider'. In view of the large number of votes cast in favour of respondent No. 1, 186 ballot papers are insignificant and inconsequential. It is immaterial as to how many ballot papers were printed without the symbol of 'horse and rider'. This irrelevant matter has been introduced by the petitioner in order to raise a cloud of suspicion. Nobody was in the knowledge of these 186 ballot papers until they were detected at the time of counting. No complaint, objection or protest was made by or on behalf of the petitioner either on 19th February 1962, or on any subsequent date. The petitioner having lost the election is now trying to exploit this inconsequential matter to his advantage. Neither the respondent nor any one of his above agents ever propagated that the petitioner had withdrawn his candidature, or that he was not contesting the election. The letters filed by the petitioner per Annexures A to H, J and K are all forgeries. They have been fabricated after the declaration of the result of election, by the petitioner with the help of his supporters and partisans in collusion with the post-office employees. The letters aforesaid do not contain the particulars of the persons affected, the time when and the places where the propaganda was carried, or the names and particulars of the persons who carried on the alleged propaganda. These letters cannot form the basis of any enquiry with regard to any corrupt practice. The alleged propaganda on the part of respondent No. 1 is unjustifiable, and in any case it does not amount to a corrupt practice. The petitioner never moved any application for recounting before the declaration of the result. No plea regarding recount can be entertained at this stage. No valid vote cast in favour of the petitioner has been rejected or omitted in counting. On the contrary, several votes which are mentioned in Schedule A were rejected, whereas they should have been counted in favour of respondent No. 1. The votes detailed in Schedule B should have been counted in favour of respondent No. 1, whereas they were counted in favour of the petitioner. The votes detailed in Schedule C should have been rejected or counted for other respondents, whereas they were actually counted for the petitioner. The votes given in Schedule D should have been counted for respondent No. 1 whereas they have been counted for other respondents. If the votes are counted properly, the respondent No. 1 will secure 74,572 votes, while the petitioner will get only 69,924 votes. The corrupt practices alleged by the petitioner are not accompanied by any affidavit in proper form. Consequently the alleged practices cannot legally be enquired into. No deposit has been legally made in favour of the proper authority and no treasury receipt has been filed along with the petition which is liable to be dismissed. The petition and the annexures are not properly verified by the petitioner.

On 24th August 1962, my learned predecessor-in office framed eight issues in these proceedings.

On 31st August 1962 respondent No. 1 filed 110/Ka-1 for amendment of the written-statement alleging that the acts done and the action taken by the Election Commission in relation to before and at the time of the election in dispute cannot be disputed by the petitioner as the Election Commission is an autonomous body deriving its power from the Constitution of India and functioning thereunder. The application was allowed. On 17th September 1962, Issue No. 9 was framed by my learned predecessor-in office.

On 11th February 1963, I modified and amended the original issues and deleted issue No. 8. The respondent No. 1 filed a writ petition in the Hon'ble High Court, which directed on 1st May 1963 that issue No. 8 should be restored.

The following issues stand framed in these proceedings.

1 (a) whether there was any transgression with regard to the printing of the petitioner's symbol on the ballot papers supplied during the election? If so, on how many ballot papers? Does the number materially affect the result of the election?

(b) How does the admitted detection of 186 defective ballot papers at the time of counting affect this case?

(c) Was this printing defect brought to the notice of the Presiding Officer of Nagla Padam polling station in Tappal Constituency on 19th February 1962 and

through him to the Returning Officer and the Election Commission, which took no action? If so, how does it affect the case?

(d) Whether the plea regarding the defective printing of ballot papers and their distribution is not open to the petitioner?

2. Whether the respondent No. 1 carried on false propaganda on 19th February 1962, 20th February 1962, and 21st February 1962 at the time and places and in the manner as detailed in Annexure R?

3. Whether the agents mentioned in Annexure S and the supporters mentioned in Annexure T of the respondent No. 1 with his consent carried on false propaganda at the time and places and in the manner as detailed in Annexures S and T respectively?

4. Whether the allegations with regard to corrupt practice made by the petitioner as against the respondent 1 and his agents and supporters would not amount to a corrupt practice within the meaning of S. 123 (4) of the Act as amended by Act 58 of 1958?

5. (a) Were the ballot papers given in Annexures L, M and N illegally and improperly received in favour of the respondent No. 1?

(b) Were the ballot papers in Annexure 'Q' validly cast in favour of the petitioner and illegally rejected?

(c) Would the findings on parts (a) and (b) entitle the petitioner to recounting under the law?

6. Whether the Election Commission and the Returning Officer are necessary parties to the petition? If so, what is the effect of their non-joinder?

7. (a) Whether the votes mentioned in Schedule A attached to the written-statement or any of them have been wrongly rejected and should have been counted for the respondent 1?

(b) Whether the votes mentioned in Schedule B attached to the written-statement or any of them have been counted for the petitioner while they should have been counted for the respondent 1?

(c) Whether the votes mentioned in Schedule C attached to the written-statement have been counted for the petitioner, while they should have been rejected or counted for the respondent 1?

(d) Whether the votes mentioned in Schedule D attached to the written-statement have been counted for other respondents, while they should have been counted for the respondent 1?

8. Whether the petitioner is entitled to get the election of respondent 1 from Aligarh Parliamentary Constituency No. 77 declared void and himself declared elected from the said Constituency?

9. Whether the petitioner can question the acts and omissions of the election Commission with regard to the defective printing of the ballot papers and their distribution?

Findings

Issues Nos. 1 and 9:

It is agreed by the parties counsel that issue No. 9 stands incorporated in issue No. 1(d). I, therefore, propose to decide issues Nos. 1 and 9 together.

It is undisputed that prior to 1962 there was a different system of ballot paper. In 1962 the present system of ballot paper was introduced for the first time. This has been testified to by Sri Pritam Singh PW7, who is an Assistant in the Election Commission, New Delhi. According to this system, the candidates in a general election choose their symbols in accordance with certain rules, and on each of the ballot paper the names of the candidates and against each name the symbol chosen by that candidate are to be printed and engraved. At the time of poll, this ballot paper is handed over to a voter who puts a stamp against the symbol or the name of the candidate whom he chooses to elect. Thereafter the stamped ballot paper is put into a ballot box.

In this connection, the statement of Sri S. L. Gupta PW47 is pertinent. He is the Joint Superintendent Government Press, Lucknow. According to him,

during the last general election he worked as Assistant Superintendent in Government Press, Aishbagh, Lucknow. He was incharge of production and supervised the printing of ballot papers for the 1962 general elections. He was called upon to print 4,58,000 ballot papers for Aligarh Lok Sabha Constituency No. 77. The printing of these ballot papers commenced in the press with effect from 31st January 1962 and ended on 7th February 1962. The printing was done in the following manner. There is a form which contains the 'matter.' For the ballot papers meant for Aligarh Lok Sabha Constituency No. 77, four matters were set on a form. This form was printed on machine No. 30. Another form was printed on machine No. 29. Blocks were first prepared for the symbols. On 1st February 1962, four matters or sets were fitted into a form. The symbol of horse disappeared from one of these four sets, and in its place the symbol of 'rising sun' was substituted. The defect was noted after 7,000 ballot papers had been completed. After the detection of the mistake, it was decided that the defective ballot papers should be destroyed. No report about this incident was sent to the Election Commission, New Delhi, but the Election Officer, Lucknow, was duly informed about it. No ballot paper was destroyed in his presence. The defective set was not changed in his presence. No strict scrutiny was made in this behalf. The scrutiny was confined to serial number. He has no knowledge whether 60,000 defective ballot papers were printed for Constituency No. 77. What he knows is that only 7,000 defective ballot papers were printed. On 14th February 1962 4,48,000 ballot papers were handed over to Sri Chitrangad Singh, Election Officer, Aligarh. He is unable to give the serial numbers of these ballot papers. Four hundred workers bound and packed these ballot papers. Ten persons were employed in preparing the block. Sixty persons did the proof reading. The Deputy Chief Electoral Officer, Lucknow, enquired from the Press confidentially as to how wrong ballot papers happened to pass out of the Press. There is nothing in his cross-examination to detract from the value of his testimony. He has stated in cross-examination that some defective ballot papers were packed in one bundle consisting of 1,000 ballot papers.

From his statement it is crystal clear that 7,000 defective ballot papers were printed for Constituency No. 77, that some effort was made to sort out and destroy those ballot papers, but without complete success, and that some defective ballot papers did happen to pass out of the press into the Constituency. No doubt the transgression was accidental, in as much as in one of the sets the symbol of horse was substituted in place of the symbol of 'rising sun.' This defect was noticed by the time when 7,000 defective ballot papers had been printed. Some of these defective ballot papers happened to find their way into 4,48,000 ballot papers handed over to Sri Chitrangad Singh, Election Officer, Aligarh.

Reference may be made to the statement of Sri Ram Krishna Saxena PW5, who is the Election Inspector, Aligarh. According to him it was not known as to how the ballot papers were actually received from Lucknow and what their serial number was. When these ballot papers were issued to the presiding officers, their account was kept in a register. The ballot papers issued to the presiding officers were not in continuous serial number, because some of the intervening ballot papers were missing. 17 thousand ballot papers between Serial Nos. 028272 and 162276 were found missing. There was no reference of these missing ballot papers on the boxes in which they were packed. This detection was made at the time when the ballot papers were issued to the presiding officers.

From his statement it is clear that the ballot papers were brought from Lucknow to Aligarh in an unsystematic manner, that no strict account on the basis of serial number of the ballot papers received was kept at Aligarh, and that 17,000 ballot papers between serial Nos. 028272 and 162276 were found missing at the time, they were issued to the presiding officers of Constituency No. 77.

What has the Election Officer, Aligarh to say about it? Sri Chitrangad Singh appeared as PW6. He was the Election Officer at Aligarh in 1962. According to him, the indent for ballot papers for the Parliamentary Constituency No. 77 Aligarh was 450900. He placed this indent on 17th January 1962. On 13th February 1962 he reached Lucknow along with Sri Ram Krishna Saxena, Election Inspector, in order to take delivery of the ballot papers. He stayed there for two days, while the Inspector remained there for three days. The place was crowded. He took two days in taking the delivery of the ballot papers. The delivery started on 13th February 1962. Sorting had to be done in respect of certain boxes of ballot papers, because certain boxes were found missing and in disorder. The serial number was fixed on these boxes by the Lucknow people. He is unable to say whether he took delivery at Lucknow of the ballot papers having serial numbers between 028272 and 162276, nor can he say whether he found these ballot papers missing at Lucknow. He is also unable to say whether

these ballot papers were actually issued. He got these ballot papers checked in the Treasury Office, Aligarh. Hundred persons were employed for this operation. They had no idea of misprinting of ballot papers at that time.

It is clear that he was not very systematic in taking delivery of the ballot papers at Lucknow and that the checking was done at Aligarh from the point of view of serial numbers and not from the point of view of misprinted symbols.

What comments has the Returning Officer, Aligarh, to offer on this aspect of the case? Sri K. C. Joshi, I.A.S., appeared as PW52. According to him, he was the Returning Officer, Aligarh, during 1962 General Elections. He deputed Sri Chitrangad Singh, Deputy Collector, to bring the ballot papers of the Parliamentary Constituency No. 77 from Lucknow. Sri Chitrangad Singh returned and informed the witness that lacs and lacs of ballot papers had been misprinted on account of which there was considerable difficulty in taking the delivery. Sri Chitrangad Singh further gave out that on certain ballot papers the symbol of horse was not printed at all, that he had brought the ballot papers after scrutiny, and that misprinted ballot papers had been left at Lucknow. This witness took further precaution and got the ballot papers re-checked and sorted out at Aligarh. During this operation some misprinted ballot papers were detected. It was also found out that serial numbers of certain ballot papers had been mutilated and certain serial numbers had been misprinted. This operation was done in his presence by his officers and members of his staff under double lock.

From the above statement, it appears that Sri Chitrangad Singh gave exaggerated report about the misprinted ballot papers to this officer, who took further precaution of re-checking and sorting of the ballot papers before they were issued to the presiding officers.

There can thus be no doubt that thousands of ballot papers in this Constituency had been misprinted, that precautions were taken both at Lucknow and at Aligarh to sort out the misprinted ballot papers, and that nevertheless some of the misprinted ballot papers found their way to Aligarh.

Was any defective ballot paper issued to the presiding officer of this Constituency during the election? PW 10 Sri Biri Singh was a Polling Officer at Nagla Padam polling station on 19th February 1962. His booth number was 73. According to him certain ballot papers were detected at his booth in which there was no symbol against the name of the petitioner. At about 3 p.m. on that date, an old female voter came to him and complained that there was no symbol of horse on her ballot paper. The witness reported the matter to the presiding officer, who called upon the witness to check the bundle of 100 ballot papers in charge of the witness. On checking that bundle, the witness detected four misprinted ballot papers.

Why could this defect be not detected earlier? The reason is not far to seek. According to this witness, the serial number on the ballot paper was printed on the back. These ballot papers were, therefore, kept with their faces downwards at the tables of the polling officers. They were issued serially. Consequently it was not possible to detect the misprinted ballot papers earlier. There is nothing damaging in the cross-examination of this witness. His testimony is supported by the Presiding Officer's report Ext.5, dated 19th February 1962, addressed to the Returning Officer. Therein it is alleged that during the poll it was detected at about 3 p.m. that the following four ballot papers had been wrongly printed with symbol of 'rising sun' instead of 'horse with rider' against the name of Sri Shiv Kumar, candidate for Lok Sabha. The misprinted ballot papers were Nos. 161821 to 161823 and 161825. The Presiding Officer added the above ballot papers were cancelled. This has not been challenged by the respondent in these proceedings.

Undisputedly, 186 misprinted ballot papers were detected during the counting. Ex.2 is a copy of the order dated 27th February 1962 passed by the Returning Officer, Sri K. C. Joshi, on the petitioner's application dated 27th February 1962. Therein it is clearly mentioned that 186 ballot papers with horse and rider symbol missing were found at the time of counting.

During inspection by the petitioner in the midst of these proceedings, six mis-printed ballot papers cast at Hastpur polling station were detected. Their numbers are 035358, 035569, 035570, 035580, 035108 and 036628. One misprinted ballot paper bearing number 033989 cast at polling station, Matagokha was also detected. But since the petitioner has not mentioned this polling station in his petition or in any of his annexures, it cannot be taken into consideration. The petitioner's learned counsel, however, contends that Matagokha is another name

of Bohra Gorva to which the witnesses have referred in these proceedings. I am afraid, I cannot accept this contention. There is nothing in the statements of these witnesses to show that Bohra Gorva is another name for Matagokha. Another misprinted ballot paper bearing serial No. 028272 cast at Bhayan was also detected. The petitioner also stated that one misprinted ballot paper was detected on 25th February 1962 at K. P. College polling station. Since this polling station is not to be found in the pleadings, the alleged ballot paper cannot be taken into consideration. The petitioner has, therefore, succeeded in proving beyond doubt that six misprinted ballot papers were issued at Hastpur Chandphari and one at Bhayan polling station on 18th February 1962.

In this way, the number of defective ballot papers issued to the presiding officers during this election comes to $186 + 4 + 7 = 197$.

Did these defective ballot papers affect the petitioner's prospects at the election? The first question for consideration in this case is the extent and kind of the effect. It is well settled that effect can be proximate and that it can be too remote. The respondent's learned counsel contends that these 197 votes could possibly have no appreciable effect in as much as there were more than 4 lacs of electors in this Constituency. It is further pointed out that more than 2 lacs of electors cast their votes and that the respondent No. 1's majority against the petitioner is above 3000. His submission is that 197 votes are after all a drop in the ocean. According to him, the number is so small that it practically had no effect whatsoever. But the question is not as simple as the learned counsel for the respondent No. 1 makes it out to be. It would be injudicious to confine the effect within such narrow limits. On the other hand, it would be equally unfair to extend it beyond reasonable limits. The petitioner's contention is that the news of misprinted ballot papers leaked first from Lucknow, where lacs and lacs of ballot papers had been misprinted. There may be some force in this contention in view of the testimony of Sri K. C. Joshi, Returning Officer PW52. It is further submitted that on account of this leakage, the petitioner's chances of success were a good deal compromised. In my opinion, this sort of effect is too remote to be taken into consideration for the purpose of these proceedings. What I propose to do is to confine the effect between 19th February 1962 when the first poll started and 25th February 1962 when the poll ended. That should be the proper extent of the effect.

The submission on behalf of respondent No. 1 is that no elector knew of these misprinted ballot papers until 28th February 1962 by which date the entire poll was over. I am afraid, I cannot countenance this contention. I have already referred to the statement of Sri Biri Singh PW 10 and the presiding officer's report dated 19th February 1962 Ex.5 to show that four ballot papers were actually detected at Nagla Padam polling station on 19th February 1962, and that one female voter had actually complained about it to Sri Biri Singh PW10. It has also been shown that six misprinted ballot papers were cast at Hastpur Chandphari polling station and one at Bhayan polling station.

The petitioner has led considerable evidence to show that the immediate effect of the detection of these misprinted ballot papers was that it gave a basis for propaganda against the petitioner. It will be worthwhile to examine that evidence.

PW9 is Sri Banwari Lal, polling officer at Nagla Padam polling station on 19th February 1962. According to him he was in charge of polling booth No. 73. At about 10 a.m. on that date he went out to make water. He then noticed that some persons with elephant badge were doing propaganda to the effect that the petitioner had withdrawn. In cross-examination he has stated that he could not recall the particulars of the persons who were indulging in that propaganda. No person enquired from him as to whether it was a fact that the petitioner had withdrawn, nor did he submit any report to that effect to the presiding officer. He works as Head Master in Municipal School, Atrauli. He appears to be an independent witness who has nothing to gain by deposing falsely in this case. I, therefore, accept his testimony as worthy of credit.

PW 12 is Jagdhir Singh polling officer at Nagla Padam polling station on 19th February 1962. In his private life he works as an extension teacher at Jattari. According to him, he was in charge of booth No. 74. At about noon on that date he went out because there was considerable crowd outside. Some people who were standing in queue enquired from him as to whether the petitioner had withdrawn. The witness answered in the negative. Thereupon those men pointed towards the people with blue caps on and said that they had given out that the petitioner had withdrawn. The witness went inside the booth. After an hour some agent came to him and complained of the rumour to the effect that the

petitioner had withdrawn. The witness conveyed this information to the District Election Officer on that very night at Aligarh. In cross-examination he has stated that he is unable to recall the name of the agent who made the complaint against the rumour, nor could he give the particulars of the persons who first complained to him about this propaganda. He did not call the persons with blue caps on. He did not receive any written complaint about this rumour, nor did he submit any written report about it, nor was any misprinted ballot paper detected at his booth. In my opinion he is a responsible witness, whose testimony must carry all possible weight.

PW 13 is Tejsingh Rathore polling officer at Nagla Padam polling station on 19th February 1962. According to him, he went out at 2 p.m. in order to get some ground-nuts. He heard people outside saying to each other that the petitioner had withdrawn as his symbol had not been printed. In cross-examination he has stated that he could not recall the particulars of the persons who were spreading the news and that he did not mention this fact to any one else. He however mentioned it at home. He also appears to be a trust-worthy witness and I have no hesitation in accepting his testimony.

PW 14 is Shambhu Dayal polling officer at Umri polling station on 19th February 1962. According to him at 2 p.m. he went out of his polling booth and then heard some people saying that the petitioner had withdrawn. In cross-examination he admits that he could not give the particulars of those men. They were talking among themselves. No one spoke to him to that effect. He did not mention this thing to his presiding officer as he did not attach any importance to it. He has refuted the suggestion that he is deposing in these proceedings at the instance of Sri Nawab Singh M.P. I may add that the petitioner does not belong to the Congress Party. I fail to understand as to how Sri Nawab Singh who belongs to the Congress Party can have any influence over this witness, whose *bonafides* appear to be beyond dispute.

PW 15 is Bishambher Singh polling officer at Darau polling station on 19th February 1962. He also stated that one of the agents of the petitioner complained to him that the people with blue caps on were indulging in propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed on the ballot papers. I am afraid, I cannot accept his evidence for the simple reason that polling station Darau is not mentioned by the petitioner in his pleadings.

PW 16 is S. R. Vaid, polling officer at Umri polling station on 19th February 1962. According to him when he went out at noon to make water, he heard 4 or 6 people with blue caps on that the petitioner had withdrawn. In cross-examination he has stated that he is unable to give the particulars of those men, that he did not mention this thing at the booth, and that Shambhu Dayal PW belongs to his Union. This witness works as a clerk in the Government Press, Aligarh. In my view, he appears to be a reliable witness.

PW 17 is Surendra Kumar Gupta, polling officer at Umri polling station on 19th February 1962. According to him at about 1-15 p.m. on that date he went out to make water. He heard some women saying that the petitioner had withdrawn and that it was useless to cast vote for him. In cross-examination he has stated that he is unable to give the names of those females. He did not mention this fact at the booth. The petitioner's agent had also complained to him about this propaganda, but the witness regretted his inability to help him in the matter. It is argued before me that this witness works as a clerk in Municipal Board, Atrauli, which is presided over by Sri Ram Prasad Varsheny, who is a relation of Sri Madan Mohan Varsheny, Secretary of the District Congress Committee. In the first place the relationship is too remote. In the second place, I am unable to appreciate how this relationship can affect the *bonafides* of this witness. I see no reason to disbelieve this witness.

PW 18 is Vishnu Dutt Gautam, who acted as polling officer at Umri polling station on 19th February 1962. According to him at 1 p.m. on that date he went out to take water. There he noticed a mob, the members of which were saying that the petitioner had withdrawn as his symbol had not come out. The mob consisted of 10 or 12 members, who were shouting at a distance of 30 yards from the polling station. In cross-examination he has stated that he did not inform his presiding officer about it, nor did he report the matter to the police. He did not have any talk with the mob. He is sought to be discredited because he is a clerk in Municipal Board, Atrauli, but I fail to see any connection of the Municipal Board with the petitioner. In my view, he is a trust-worthy witness, whose testimony must inspire confidence.

PW 19 is Tika Ram who acted as polling officer at Dorau polling station on 19th February 1962. He has also stated that at 9 a.m. on that date when he went out, he noticed 5 or 6 persons with blue caps on and with elephant badges, who were saying that the petitioner had withdrawn. He also noticed that on hearing this news some people who were about to vote went away. The petitioner's agent also complained about it to the presiding officer. He appears to be a fairly reliable witness, but as Dorau polling station is not mentioned in the petitioner's pleadings, I shall not be justified in considering the testimony of this witness.

PW 20 Jodhpal Singh acted as polling officer on 21st February 1962 at Aisipale polling station. According to him at 11 a. m. on that date he was deputed by the presiding officer to go and ask the voters to stand in queue. When he came out he noticed a crowd, the members of which were saying that the petitioner had withdrawn. These men were putting on blue caps. There is nothing damaging in his cross-examination, nor has any ill will or bad motive been attributed to him by the respondent or his counsel. I see no reason to disbelieve him.

PW 21 is Sri Balram Bosc, who acted as polling officer on 21st February 1962 at Lohsra Biswan polling station. According to him at noon there was a *Jhagra* near the polling station on that date. When he came out he noticed that one person was lying injured on the ground. Some two or three persons were standing near him. One of them was saying that the petitioner had withdrawn, while the second commended that the petitioner would win next time. One of these men had an elephant badge. In cross-examination he has stated that the place where these three men were talking was outside the boundary line. He is unable to give further particulars of the man, who had the elephant badge. He was a young boy of 18 or 20 years. The witness did not have any talk with him. He did not complain about it to the presiding officer. It is said on behalf of respondent No. 1 that this witness has come forward in support of the petitioner at the instance of Sri Nawab Singh. I have already stated that the respondent No. 1 has failed to show any connection whatsoever between Sri Nawab Singh and the petitioner. In my opinion, the testimony of Balram Bosc carries all possible conviction.

PW 22 is Sri Rajpal Singh who acted as polling Officer at Aisipala polling station on 21st February 1962. According to him at 1 p. m. on that date he went out to take his lunch. He then came to know that the people assembled at the camps were saying that the petitioner had withdrawn. The men who were spreading this news belonged to the Republican Party as they had blue caps on and had elephant badges. The result of this propaganda was that the poll was rather small. In cross-examination, he has stated that he took about half an hour in his lunch. He took his meal sitting on a well. He arranged his own lunch. This well is about 100 yards from the polling station. The candidates had set up their camps near this well. He heard 4 or 6 persons doing this propaganda. These men were standing near a crowd of 50 persons. He is unable to give further particulars of these men. He did not complain about it to the presiding officer. There is nothing in his cross-examination to discredit him. Consequently, I place full reliance upon his testimony.

PW 24 Murari Lal Verma who acted as polling officer at Najipur Fateh Khan in February, 1962. On the polling day at about noon when he went out to take his lunch he noticed 2 or 4 persons saying that the petitioner had withdrawn. These men had blue caps on with elephant badges. In cross-examination he has stated that he did not complain about it to the presiding officer. He took five minutes in taking his lunch. He is unable to give further particulars of these men. There can be no doubt that he is a responsible person who has not been discredited in any way in cross-examination. His testimony carries conviction.

All these witnesses are persons who acted as polling officers or presiding officers during the last General Elections. They are expected to know what they are speaking about. They have nothing to gain by deposing falsely in this case. No specific ill will or bad motive has been attributed to them by respondent No. 1. In my view, their testimony is worthy of credit in every way.

Respondent No. 1's learned counsel, however, refers to the statement of Sri Biri Singh PW 10, who in cross-examination has stated that on 19th February 1962 he went out to make water, and that he did not hear any propaganda. It is argued that since this officer did not hear any propaganda, the whole story about it must be disbelieved. I am afraid, I cannot accept this line of argument. This witness did not hear the propaganda, because at the particular time when he went out there was no propaganda whatsoever. It does not follow that there was no propaganda before or after that.

Reliance is also placed by respondent No. 1 on the statement of Ram Charan Lal PW 23. According to him, he acted as a polling officer on 21st February 1962 at Lohsra Bisawan, but he did not hear any propaganda against the petitioner on that date at that polling station. His testimony cannot possibly discredit the petitioner's case altogether. It is true that this witness was not declared hostile, but that does not mean that he has disproved the petitioner's theory altogether. It may be that he did not come to know of the alleged propaganda on 21st February 1962 at Lohsra Bisawan. His statement only goes to show that the petitioner has produced the polling officers with clean hands. I do not think the testimony of PW 10 or PW 23 detracts from the value of the testimony of the remaining witnesses mentioned above. Their evidence has been very consistent and has not been damaged by cross-examination.

Apart from the polling officers mentioned above, the petitioner has examined public witnesses to prove that there was wide spread propaganda on the basis of misprinted ballot papers. PW 25 is Sri Lahori Singh. He remained Hony. Magistrate II Class for sometime. He is also a Director of one of the Co-operative Banks. Amritpur is close to his native village. He and other people of that village decided to vote for the petitioner during the last general elections. When he went to polling station Amritpur, he noticed that respondent No. 1's supporters were doing propaganda to the effect that the petitioner had withdrawn as his symbol had not come out. There is nothing in his cross-examination to cast any doubt on the veracity of his statement. No specific ill will or bad motive has been attributed to him. Without doubt, he is a reliable witness on whose testimony I place a good deal of reliance.

PW 26 is Premsingh. According to him, he did a lot of canvassing for the petitioner during the election. On the polling day at Mahgora, the people who had blue caps on indulged in the propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed on the ballot papers. He stands corroborated by his letter Ex. 341. This letter was posted on 19th February 1962. In this letter he has mentioned that he had done canvassing for the petitioner at the instance of Sri Jasodan Singh. He felt sorry that the petitioner failed to inform him about his withdrawal. On that day there was a general rumour at Mahgora polling station that the petitioner had withdrawn. The result was that many voters went away without casting their votes. The same thing happened at Umri, Nagla Padam and Dewa Hamidpur polling stations. He felt that he had been let down by the petitioner. There can be no doubt that it is a genuine document which lends full corroboration to the testimony of this witness. There is nothing in his cross-examination to discredit him. No doubt he is a supporter of the petitioner, but that is why he was obliged to write the letter Ex. 341. There is absolutely no reason to disbelieve his testimony.

PW 27 is Shoran Singh of village Ogipur. According to him he acted as a polling agent of Sri Mahabir Singh at Amritpur polling station. According to him on the polling day, respondent No. 1's agent Babulal did propaganda to the effect that there was no symbol of the petitioner at Nagla Padam and Dorau, and that he had withdrawn. One Yashpal Singh complained about it to the polling Officer. It will not be very fair to place reliance on the testimony of this witness, as Yashpal Singh who is alive has not been examined.

PW 28 is Bhagwant. He speaks about the propaganda at Dorau polling station. Since this station is not mentioned in the petitioner's pleading's I do not propose to take his testimony into consideration.

PW 29 is Shoran Singh of village Ogipur. According to him he was a polling agent on behalf of the Congress candidate at Amritpur polling station. There respondent No. 1's agent Babulal did propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed. Since this witness did not complain against Babulal to any authority, it will not be safe to place such reliance upon his testimony.

PW 30 is Parshadi Lal of village Jalali. According to him on 20th February 1962 at 4-30 p.m. respondent No. 1 did propaganda in village Sheikha to the effect that the petitioner had withdrawn and that his symbol had not been printed. He appears to be a got-up witness. I shall presently show that respondent No. 1 was perhaps not present at Sheikha on 20th February 1962. This witness did not complain about this propaganda to any authority. Moreover, he belongs to Arya Samaj. So does the petitioner. His testimony cannot possibly inspire much confidence.

PW 32 is Jodhraj Singh. According to him, during the last election he went to cast his vote at Lohsra. There one --

that the petitioner had withdrawn as his symbol had not come out. He tried to search for the petitioner's agent but meanwhile there was a *Jhagra*. He returned back without casting his vote. In cross-examination he states that the *Jhagra* arose on account of this propaganda. If this was so, then some police official would have been the best person to depose about it. I do not think I shall be justified in placing much reliance upon his testimony.

PW 33 is Ganpat Lal who tries to support Jodhraj, but for similar reasons his testimony cannot inspire much confidence.

PW 34 is Mohanlal, who speaks about the propaganda on behalf of respondent No. 1 at Mahua polling station. He did not complain about it to any authority. It will, therefore, be not safe to place reliance upon his testimony.

PW 35 is Hamida. He also speaks about the propaganda on behalf of respondent No. 1 at Mahua polling station, but I do not think his testimony on this point can carry much conviction, for the simple reason that he did not complain against respondent No. 1's agent to any authority.

PW 36 is Ramadhin of Barauli Bhikam. He has been twice Pradhan of this village. During the last election he went to Shahri Madangarhi to cast his vote. 40 or 50 persons were with him. They all wanted to vote for the petitioner. But he noticed there some people with blue caps on and with elephant badges who were propagating that the petitioner had withdrawn, that his symbol had not been printed. One of those men was Basdeo. The witness and his companions went away without casting their vote. There is nothing damaging in his cross-examination, and I see no reason to disbelieve his testimony about the general propaganda against the petitioner.

PW 37 is Gangadhar of village Barauli. He supports Ramadhin. There is nothing damaging in his cross-examination. I see no reason to disbelieve him.

PW 38 is Rajvir Singh. According to him, he went to cast vote at polling station Hastpur. 20 or 25 persons were with him at that time. There he found some persons with blue caps on and elephant badges who were doing propaganda, to the effect that the petitioner had withdrawn and that his symbol had not been printed. The result was that he and his companions went away without casting their vote. There is nothing in his cross-examination to discredit him. I, therefore, place reliance upon his testimony.

PW 39 is Sohanlal. He corroborates Rajbir Singh. He appears to be an independent witness whom I see no reason to disbelieve.

PW 40 is Dhani Ram. He speaks about the propaganda against the petitioner at Rustampur Cotana polling station. According to him, some persons at the respondent's camp were doing propaganda that the petitioner had withdrawn. He, therefore, contacted one Bhudeo Prasad who was putting on blue cap. He confirmed the news. The result was that he and his companions went away without casting their vote. In cross-examination he has stated that he also went to the petitioner's camp where 2 or 4 persons gave out that nothing definite could be said about the petitioner's withdrawal. There is nothing very damaging in the cross-examination of this witness, whose testimony carries some weight.

PW 41 is Birbal who deposes that during the last election he went to cast his vote at Rustampur polling station. Five or 10 persons were with him. There he found some persons with blue caps on and elephant badges doing propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed. He therefore went away without casting his vote. He has not been much discredited in cross-examination. Reliance can be placed upon his testimony.

PW 42 is Bhajan Lal. According to him during the polling day some supporters of respondent No. 1 came to Sarai Har Narain and canvassed for respondent No. 1 on the basis that the petitioner had withdrawn and that his symbol had not been printed. Consequently the witness did not cast his vote. He has not been discredited in cross-examination. I, therefore, place reliance upon his testimony.

PW 43 is Charan Singh. According to him he went to cast his vote at Pala polling station. 15 or 20 persons were with him at that time. There respondent No. 1's agent Har Prasad indulged in propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed. Since this witness did not lodge any complaint against Har Prasad it will be unsafe to place much reliance upon his testimony.

PW 44 is Har Prasad. He tries to support Charan Singh, but for similar reasons his testimony must be discarded.

PW 51 is Rajpal Singh. According to him, he acted as polling agent of Jansangh candidate at Amritpur polling station. There at 9-30 A.M. respondent 1's agent Babulal indulged in propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed. Consequently many voters went away without casting their votes. In cross-examination he admits that he did not complain against Babulal to the polling officer. It will, therefore, be unsafe to place much reliance upon his testimony.

It will be readily seen that some of the public witnesses mentioned above are quite responsible and reliable persons. They are definite that on the polling dates there was some propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed on ballot papers.

In rebuttal, respondent No. 1 has entered the witness-box as DW 70 and has stated on oath that there was no such propaganda anywhere throughout the constituency between 19th and 25th February 1962. He has also examined DW 1 Niamat, DW 2 Charan Singh, DW 3 Poocha and DW 4 Jethua to show that there was no such propaganda at Nagla Padam polling station on 19th February 1962. DW 5 Bashir Ahmed, DW 6 Sumer Singh, DW 7 Ghani Ram and DW 8 Kanchhi have come forward to depose that there was no such propaganda on the polling day at Dewa Hamirpur. DW 9 Bhupsingh, DW 10 Babulal and DW 11 Dafadar have sworn to the effect that there was no such propaganda at the polling station Amritpur on the polling day. DW 14 Ashfaq, DW 15 Ghafur Khan and DW 16 Ganga Sahai have come forward to depose that on 21st February 1962 there was no such propaganda at Garhi Jalali or at Seikha. DW 20 Asa Ram, DW 21 Maharam and DW 22 Chandan Singh have testified to the effect that there was no propaganda of any kind against the petitioner on the polling day at Umri polling station. DW 23 Bahadur Singh deposes about the non-existence of any propaganda on the polling day at Ramnagar polling station. DW 25 Bankey Singh and DW 26 Munshi Lal state that there was no such propaganda on the polling day at Mahua polling station. DW 27 Karori Lal and DW 28 Mohd. Khan swear that there was no such propaganda on the polling day at Hastpur. DW 29 Chheda Lal and DW 30 Sonpal depose about non-existence of any propaganda against the petitioner on the polling day at Lohsra polling station. DW 31 Sheo Prasad testifies that there was no propaganda whatsoever on the polling day at Rustampur polling station. DW 32 Alladia and DW 33 Khubi Singh depose against the non-existence of any propaganda on the polling day at Gadrana, while DW 34 Ram Dayal and DW 35 Summer testify about the non-existence of propaganda on the polling day at Bhankri polling station. DW 36 Ram Prasad and DW 37 Bedram Singh state that there was no propaganda whatsoever on the polling day at Diholi. DW 49 Bhanwarpal and DW 50 Jamna Das swear about the non-existence of any propaganda on the polling day at Mukandpur. DW 58 Pratap Singh swears that there was no propaganda against the petitioner on the polling day at Hajipur Fateh Khan. While DW 59 Lokman testifies that there was no such propaganda on the polling day at Pali Razapur. DW 60 Sewa Ram and DW 61 Lokman swear about the non-existence of any propaganda against the petitioner on the polling day at polling station Mahgora. DW 67 Bidha Ram deposes that there was no such propaganda on the polling day at Sarai Har Narain, while DW 68 Itwari states about the non-existence of any propaganda against the petitioner on the polling day at Sahri Madangarhi polling station.

This oral evidence adduced on behalf of respondent No. 1 cannot carry much conviction for more than one reason. In the first place, this evidence is of negative character. Moreover, most of these witnesses are partisan and biased persons whose testimony can scarcely carry conviction. The testimony of Bhupsingh DW 9, however, calls for some scrutiny. According to him, he acted as petitioner's polling agent on the polling day at Amritpur polling station, where he remained from morning till evening. He did not hear any propaganda against the petitioner. No one gave out that the petitioner had withdrawn or that his symbol had not been printed. 15 or 20 days after the polling was over, some people approached the petitioner and requested him to prepare some letters. He never wrote any such letter to the petitioner. He, however, came to know that such letters were written by Talebar Singh and Jagpal Singh. He filed in court the seal given to him by the petitioner. In cross-examination he has stated that the polling agent's form was not handed over to him by the petitioner, that it was given to him by Master Arjun Singh of Chandaus. On the polling day, he remained most of the time inside the booth. The respondent's agent Babulal used to come and go out of the booth frequently. He signed the ballot box in the evening on behalf of the petitioner. He did

not receive any letter from the petitioner. He handed over the voters' list to Arjun Singh but kept the seal because Arjun Singh had asked him to keep it. He did not inform the respondent No. 1 or anybody else that the petitioner had asked his men to forge letters, or that Talebar Singh and Jagpal Singh had sent forged letters to the petitioner. He did not have any such talk with these two men. He did not see the letters alleged to have been written by him. Eight or 10 months back, one stranger asked him to appear as a witness in these proceedings. That stranger was respondent No. 1's man. He never apprised the petitioner of this development. Last evening, one stranger came to him and gave him the summons. He worked as petitioner's agent for a day only. He never had a talk with respondent No. 1 or his counsel. He is unable to say as to how respondent No. 1 or his counsel came to know that he would depose in respondent No. 1's favour.

There is no doubt that he has been won over. According to his own admission, he belongs to the scheduled caste. It will be very unsafe to place any reliance upon a fifth columnist.

The petitioner re-inforces his version by entering the witness-box as PW 33. According to him, on 19th February 1964 the polling started in his Constituency. On that very evening his workers came and told him that his symbol had not been printed on many ballot papers, and that respondent No. 1 and his workers had done the propaganda to the effect that he had withdrawn. On receiving this information, the petitioner immediately rang up Sri Chitrangad Singh, Assistant Returning Officer and made enquiries from him. He gave out that misprinting of ballot papers was a different thing. He added that if some propaganda had been done on the basis of misprinted ballot papers, he would take action in the matter. On 21st February 1962 he received postcard Ex. 39, letter Ex. 343 and two postcards written in Urdu and letters Exs. 9, 12 and 40. He took those letters to the Collector and apprised him of the whole situation. He showed some of the letters to him. The Collector was good enough to read one of them. He assured the petitioner that he would immediately take a very effective step in the matter. He advised the petitioner to continue his work in his constituency. After meeting the Collector on 21st February 1962 the petitioner went towards Bhankri where his workers and some electors complained to him that respondent No. 1 had made false propaganda against the petitioner to the effect that he had withdrawn and that his symbol had not been printed. The petitioner tried to undo this false propaganda. On the same night he came back to Aligarh and contacted Sri Chitrangad Singh on phone. On 25th February 1962, two misprinted ballot papers were detected at A.P. Inter College polling station. The petitioner could not secure maximum votes on account of respondent No. 1's propaganda and also on account of misprinted ballot papers. Fifty thousand voters were unable to cast their vote in the petitioner's favour on this account. The petitioner was unable to undo this false propaganda as the district authorities had promulgated Section 144 Cr.P.C. and banned the use of loud speakers.

He is sought to be discredited by his own admission. It is pointed out that the postcard Ex. 39, letters Exs. 343, 9, 12 and 40 bear the postal seal of 21st February 1962 (3 P.M.). It is contended that according to this witness, he received these postcards and letters at 11 A.M. on 21st February 1962. No doubt there is a clear discrepancy on this point in the statement of this witness. But I think the witness got confused on the question of time while he was in the witness-box. The fact remains that he received these letters and postcards on 21st February 1962. Is he corroborated on this point by the Returning Officer, to whom the petitioner alleges to have shown these letters?

Sri A. C. Joshi PW 52 has stated that in February 1962 he was the Returning Officer at Aligarh. On 21st February 1962 the petitioner or one of his representatives met the witness in the morning. He was told that in Tappal area all the ballot papers at one polling station were found misprinted. He verified it and found it correct. He had come to know of this fact on the evening of 19th February 1962. The petitioner or his representative also mentioned the name of respondent No. 1 in connection with false propaganda to the effect that the petitioner had withdrawn. The petitioner wanted that some action be taken against the culprits. No action was possible at that time. The petitioner or his representative showed him some letters in support of his complaint; probably they were postcards. The witness did not take any action on the basis of those postcards because the sender's name was not there. In one of the letters the name of Communist Party was mentioned. The petitioner also made this complaint to the Election Officer. The witness informed the

Election Commissioner to the effect that some ballot papers had been misprinted and that at one polling station there was no symbol of horse on the ballot papers. Some other persons also complained to the witness about it.

This witness is a very responsible officer, whom it is not possible to disbelieve. It has, however, been pointed out on behalf of respondent No. 1 that according to this witness he noticed some of these letters in the morning of 21st February 1962. As pointed out above, the letters in question were actually received at Aligarh at 3 P.M. on 21st February 1962. Consequently the statement of this witness is wrong on this point. Again, I am of opinion that this witness got confused about the actual time when the petitioner or his representative met him. It may be that the meeting took place in the afternoon. There is nothing else in the entire cross-examination of the witness to discredit him.

The learned counsel for respondent No. 1 characterises these letters as forged. Reliance is placed on the statement of Sm. Savitri Devi PW 4. In examination-in-chief, she has stated that she wrote the letter Ex. 12 when she did not find the symbol of horse on the petitioner's ballot paper on 19th February 1962 at polling station Umri. In cross-examination she has stated that one Vidhyadhar gave her the petitioner's address and that she posted the letter Ex. 12 next day. But a perusal of the postal seal on this letter goes to show that it was actually posted on 19th February 1962. Again, I am of opinion that this witness got confused about the date on which she posted this letter. Her evidence cannot possibly prove that the letter Ex. 12 is a forgery.

Respondent No. 1 has examined in support of his contention Sri Shiv Shanker Gupta, Postmaster of Khair. According to him, Umri, Dewa Hamirpur, Ugipur and Nagla Padam are branch post-offices within the circle of Khair. The Dak of these branch post-offices passes through Khair post-office, where it is received first. There the letters are sorted out and stamped. Thereafter the Dak is sent to R.M.S., Aligarh. The Dak from the branch post-offices is received at Khair at 3-30 P.M. The Dak from Khair post-office is sent through R.M.S.

In cross-examination he has stated that he was not the postmaster in Khair in 1962, that Sri Sharma was the then postmaster, who is still alive, that there are certain branch post-offices the dak of which is sent direct to R.M.S., Aligarh. He is unable to say which of these branch post-offices was authorised to send its dak direct to Aligarh. He has no account of the branch post-offices of 1962.

On the basis of the statement of this witness, respondent 1's learned counsel seeks to argue that since these letters do not bear the postal seal of Khair, they are all forged. I am afraid, I cannot accept this line of argument. Sri Shiv Shanker Gupta is not very certain of his point. He appears to be indulging in surmises. His statement runs counter to the provisions of Posts and Telegraph Manual. Para 107 of the said Manual provides that postcards should be impressed with the round obliterations only by the office of the posting and the first office of delivery on the portion of the address side reserved for the address of the recipient.

It is thus clear that it is the duty of the office of posting to impress the postcards with the round obliterator. I have been unable to find any provision in this Manual according to which the dak of branch post-offices is first sent unstamped to the main post-office. The statement of Sri Shiv Shanker Gupta is not supported by the provisions of this Manual. Consequently I am unable to place any reliance upon it.

Ram Swarup Singh of village Dewa Hamirpur entered the witness-box as PW 1 and has stated that he wrote the letter Ex. 9 and sent it to the petitioner on 19th February 1962. There is nothing damaging in his cross-examination during which he has stated that he knew the petitioner's address beforehand, that he wrote the letter Ex. 9 of his own accord without any outside prompting. He has refuted the suggestion that he prepared this letter at the instance of the petitioner or his agent or supporter. He knew that the petitioner was living in Arya Samaj Mandir; yet he posted this letter to the petitioner's village-address, his entire testimony has a ring of truth about it. There is absolutely no reason whatsoever to disbelieve him.

PW 2 is Talebar Singh of village Ogipur. According to him on 20th February 1962 he addressed the letter Ex. 10 to the petitioner and posted it the same day. He has also refuted the suggestion that he prepared this letter Ex. 10 at the instance of the petitioner or his supporter. Thus there is nothing in his cross-examination to discredit him.

PW 3 is Jagpal Singh. He has stated that on 20th February 1962 he wrote the inland letter Ex. 11 to the petitioner. In cross-examination he has stated that he wrote this letter without any outside prompting. He has also refuted the suggestion that he wrote it at the instance of the petitioner or his supporter. He came to know of the petitioner's address from one Ramsingh. He posted Ex. 11 at 9-30 A.M. at Ogipur. It is true that one Jagpal Singh was the Postmaster of Ogipur in those days, but there is nothing on the record to show that this witness had anything common with Jagpal Singh, Postmaster. In my view, the statement of this witness is worthy of trust.

PW 4 is Sm. Savitri Devi, who wrote the letter Ex. 12. I have already discussed her statement.

PW 8 is Sheodan Singh who has stated that on 19th February 1962 he addressed the letter Ex. 39 to the petitioner. In cross-examination he has stated that he wrote the postcard Ex. 39 at about 10 A.M. He went home to get the postcard and wrote it at the polling station. He never asked anybody else to write similar letters to the petitioner, nor did any one else ask him to do so. He has also refuted the suggestion that he prepared the letter Ex. 39 at the instance of the petitioner or his supporter. He has denied that he fabricated this letter in collusion with the local postmaster. It will be readily seen that there is nothing damaging in his cross-examination. His testimony inspires full confidence.

PW 11 is Zorawar Singh who has stated that on 19th February 1962 he wrote the letter Ex. 40 to the petitioner. In cross-examination he has stated that he posted Ex. 40 at about noon. He met the petitioner on the counting day. He has refuted the suggestion that he fabricated this letter in collusion with the local postmaster. There can be no doubt that he is a trust-worthy witness.

PW 26 is Premsingh, who has stated that he wrote the letter Ex. 341 to the petitioner and posted it at 4-30 A.M. on 19th February 1962. In cross-examination he has stated that he posted Ex. 341 at his own village post-office. One Phulchand was the Postmaster of this post office at that time. He has refuted the suggestion that he prepared Ex. 341 at the instance of the petitioner. There is nothing in his cross-examination to detract from the value of his statement, on which I place full reliance.

In all these letters Exs. 9 to 12, 39, 40 and 341 it is clearly mentioned that there was specific propaganda against the petitioner to the effect that he had withdrawn, that his symbol had not been printed, and that consequently the senders and some of the electors felt disheartened. The respondent No. 1's counsel argues that since the pattern as well as the subject matter of all these letters is similar, they must be struck down as forged. In my view the contention is without force. No doubt the pattern as well as the subject matter of all these letters is the same, because the matter about which these letters were written was one and the same. I do not see anything suspicious on that account. On the contrary, I am of the view that all these letters are genuine documents in which the senders expressed their genuine feeling at the earliest possible opportunity. These letters unmistakably point out that some ballot papers were found misprinted at several polling stations and that consequently there was a propaganda to the effect that the petitioner had withdrawn.

I am fortified in the above conclusion by no less a person than Sri Chitrangad Singh who was the Election Officer at Aligarh in February 1962. As PW 6 he has stated that he toured through the constituency No. 77 on 19th February 1962, 21st February 1962 and 25th February 1962. On the evening of 19th February 1962 and on subsequent dates some people enquired from him whether the petitioner had withdrawn. The witness however assured them that the petitioner had not withdrawn. The petitioner and his agent orally told him after 19th February 1962 that there was a general rumour that the petitioner had withdrawn because his symbol had not been printed on the ballot papers. The witness assured the petitioner and his agents that the rumour was unfounded. There is nothing damaging in his cross-examination. He is a responsible officer who is sure of his ground. There is no reason to disbelieve or discard his sworn testimony.

In spite of the evidence discussed above, respondent No. 1's learned counsel places reliance upon Ex. 1. It is a copy of the application moved by the petitioner before the Returning Officer, Aligarh, on 27th February 1962. Therein he stated that he drew the specific attention of the Returning Officer to the fact that a large number of ballot papers issued on various booths did not bear his symbol. He, therefore, prayed that the result should be withheld. It is

pointed out that there is no mention whatsoever of any propaganda in this application. It is argued that if there had been any such propaganda, the petitioner was bound to mention it. I am afraid, I cannot accept this line of reasoning. Ex. 1 was moved by the petitioner for a specific purpose. It was, therefore, not necessary for him to mention the propaganda therein. Moreover, it is well settled that omission is usually a weak argument. I, therefore, hold that Ex. 1 does not disprove the existence of propaganda during the polling dates.

What was the effect of this propaganda upon the petitioner's prospects at the election? According to respondent No. 1, this propaganda had no effect whatsoever. Reference is made to the fact that the local election authorities took no action in this behalf. Ex. 5 is the report of the Presiding Officer of Nagla Padam polling station to the Returning Officer, Aligarh, dated 19th February 1962. Therein he clearly informed the Returning Officer that four misprinted ballot papers had been detected at Nagla Padam polling station on 19th February 1962. Consequently the Returning Officer reported the matter to the Election Commission, New Delhi vide Ex. 7. The Election Commission, New Delhi, sent back in reply the telegram (a copy of which is Ex. 6) asking further information and particulars about the misprinted ballot papers and the names of the polling stations. Similarly the Chief Electoral Officer, U.P. made enquiry from the District Magistrate, Aligarh in this behalf vide Ex. 8. Consequently the Returning Officer, Aligarh, furnished the required information per telegram Ex. 14. The Election Commission, New Delhi, made further enquiries from the Returning Officer, Aligarh per telegram Ex. 17. The reply was sent by the Returning Officer, Aligarh, per telegram Ex. 19. Eventually the Election Commission, New Delhi, approved of the action taken by the Presiding Officer of Nagla Padam polling station, vide Ex. 21. It is, therefore, contended that if the election had been materially effected, the Election Commission, New Delhi was bound to take action. The contention is without force. The Election Commission, New Delhi, did not take any action because it was not informed that the misprinted ballot papers were more than four, or that there had been a propaganda on the basis of these misprinted ballot papers from 19th February 1962 to 25th February 1962.

The respondent No. 1's learned counsel further refers to the proceedings in this connection in the Lok Sabha on 29th March 1962. The relevant papers of these proceedings were filed before this Tribunal by Sri Pritam Singh PW 7, Assistant in the Election Commission, New Delhi. A perusal of these papers goes to show that Sri Prakash Veer Shastri called upon the Law Minister to state whether it was a fact that a large number of ballot papers had been found in Lok Sabha Constituency of Aligarh on which the election symbol of a prominent candidate was not printed, and whether any action was taken in that connection. The Deputy Minister of Law answered that question as follows —

"On the 19th February, 1962, the Returning Officer for the Aligarh Parliamentary Constituency reported that four ballot papers with wrong symbols printed against the name of one of the contesting candidates were detected at Nagla Padam polling station within Aligarh Parliamentary Constituency during the poll. These were cancelled immediately by the presiding officer and kept in a sealed cover. The Returning Officer was asked to let the Election Commission know whether there were any other polling stations where similar ballot papers were detected during the course of the poll. After the completion of the poll in all the remaining Assembly Constituencies comprised within the Aligarh Parliamentary Constituency, the Returning Officer informed the Election Commission that he had not received any similar reports from any other polling station. As the number of wrongly printed ballot papers reported at that time was only four and as no such ballot paper had apparently been issued to any elector, there was no occasion for the Election Commission to take any special steps.

The Returning Officer, however, reported on the 28th February, 1962 after completion of counting that he had to reject 186 ballot papers on which the symbol of the candidate had been wrongly printed and all of which had been issued to voters at the Nagla Padam polling station and that no such ballot paper was found in any other ballot box. Since the difference in the number of votes secured by the successful candidate and by the candidate whose symbol was wrongly printed was over 3,000 and since the number of misprinted ballot papers rejected was only 186, the Election Commission considered that the irregularity was not material and that a fresh poll at this or any other polling station was not required."

It is, therefore, argued that the Lok Sabha also came to the conclusion that the effect of the irregularity was immaterial. Again I can attach no importance to this piece of evidence, for the simple reason that the Lok Sabha was not apprised of the propaganda that has been proved in the present proceedings. The Speaker of the Lok Sabha was of the opinion that the matter could be finally taken up by Election Tribunal and decided by it. So the Lok Sabha proceedings can be of no avail to respondent No. 1.

Without doubt, so far as the petitioner was concerned there was non-compliance with the provisions of the Constitution and the Rules made under the R.P. Act, inasmuch as a number of misprinted ballot papers were issued at various polling stations on the polling dates.

Under Section 100(i) (d) of the R.P. Act, the petitioner must further show that the result of the election in so far as it concerns the returned candidate, has been materially affected. With respects, I may be permitted to observe that the language as well as the construction of the above section is rather involved. One has to think twice before one can grasp its meaning. The English law on the point is rather straight. Thereunder an election can be set aside if non-compliance or irregularity has affected the election result to the satisfaction of the Tribunal.

Anyhow, these proceedings have to be decided in accordance with the provisions of the R.P. Act.

What is the meaning of "material effect"? The plain dictionary meaning of the term is an effect of considerable or important degree. But there are authorities which have sought to read more in this term. According to these authorities, material effect means that the winning candidate should lose his majority. This meaning appears to have been accepted by most of the Election Tribunals in this country. I propose to stick as far as possible to this meaning for the purpose of these proceedings.

Should this effect be demonstrably proved? The respondent No. 1's learned counsel answers in the affirmation:—

"It is impossible to accept the 'ipse dixit' of witnesses coming from one side or the other to say that all or some of the votes would have gone to one or the other on some supposed or imaginary ground. The question is one of fact and has to be proved by positive evidence. If the petitioner is unable to adduce evidence, the only inescapable conclusion to which the Tribunal can come is that the burden is not discharged and that the election must stand. The language of section 100(1)(c) is too clear for any speculation about possibilities."

On the contrary, the petitioner's learned counsel refers to the case of Surendra Nath Khosla and another v. Dalipsingh and others reported in 12 E.L.R. 370. In this case, the nomination of a candidate for a general seat was rejected on the ground that the thumb marks of the proposer and seconder to his nomination paper were not attested by a duly authorised Magistrate. This rejection was found to be improper. In this case, Sinha J., as he then was, considered the case of Vashisht Narain Sharma and also the case of H. V. Kamath and distinguished them. His Lordship pointed out that there were two classes of cases. One class of cases were those where the nomination paper had been improperly accepted. In those cases, different consideration would arise. There was the second class of cases where the nomination paper was improperly rejected. In those cases, there was a presumption that it had materially affected the result of the election. His lordship finally observed: "Apart from the practical difficulty, almost the impossibility of demonstrating that the electors would have cast their votes in a particular way, that is to say, that a substantial number of them would have cast their votes in favour of the rejected candidates, the fact that one of the several candidates for an election had been kept out of the arena is by itself a very material consideration. Cases can easily be imagined where the most desirable candidate from the point of view of the electors and the most formidable candidate from the point of view of the other candidates may have been wrongly kept out from seeking election. By keeping out such a desirable candidate, the officer rejecting the nomination paper may have prevented the electors from voting for the best candidate available."

There is another important case of Taj Uddin Ahmad v. Dhani Ram Talukedar, reported in 18 E.L.R. 193. In this case it was notified that the voting for a particular area having 840 voters would be held at Tangalia para Lower Primary School,

but after the notification the poll was held at the Chak Bausi Primary School without a fresh notification. It was observed that the petitioner was not expected to examine a large number of witnesses in order to show that they were prevented from casting their votes due to the change, and that it was quite possible that a large number of others were equally misled, as the persons who entered the witness-box and deposed about it.

I would like to refer to another case of Ratan Singh and another v. Padam Chand Jain and others, reported in 7 E.L.R. 189. In this case, form No. 10 prepared at several polling stations was fictitious. Consequently there was serious manipulation of ballot papers. The provisions of Rule 33 were not observed. It was difficult to ascertain the exact number of votes polled by each candidate. It was held that the election was vitiated by non-compliance with the Rules and that the result was materially affected thereby. The Election Tribunal observed as follows:

"What would have been the result, if the rules were observed and there was absence of additions and subtractions from ballot boxes as far as Sahab Singh was concerned, nobody can tell. It was, however, quite possible that this narrow majority of Sri Sahab Singh would well have been wiped out.....".

This well known English case of Woodward v. Sarsons affords further guidance in this direction. It was observed therein that an election should be set aside if the Tribunal without being able to say that a majority had been prevented, should be satisfied that there was reasonable ground to believe that a majority of the electors might have been prevented from electing the candidate they preferred.

The respondent No. 1's counsel has referred to a number of other cases, in which it has been held that there should be a strict proof of the fact that non-compliance or irregularity has wiped out the winning candidate's majority.

To me the position is clear. The material effect can be presumed in certain cases. It can be indirectly proved and it is not necessary for the petitioner to prove it demonstrably. If the law should be otherwise, the petitioner is expected to examine nearly 4,000 witnesses in order to show that they would have voted for him, but for the misprinted ballot papers and consequent propaganda. The practical difficulty of this method is evident.

In this case, the petitioner has examined a number of witnesses who have stated that 20 or 30 persons went along with them to the polling station, that they were unable to cast their votes for the petitioner, because they had reason to believe on account of the misprinted ballot papers and consequent propaganda that the petitioner had withdrawn. It is difficult to dis-believe this testimony in the peculiar circumstances of the case.

The impact of misprinted ballot papers and consequent propaganda can be gauged against the background of illiteracy in this Constituency. According to Sri Tirbeni Sahai, Election Inspector, PW 48, the number of voters in the Parliamentary Constituency No 77 was 4,47,606. The total population of the district is 17,66,201, out of whom 9,51,043 are males while 8,15,158 are females. Among the males 29.6 per cent. are literate, while the percentage of literacy among the females is 7.92. Needless to add that illiteracy in the rural area is greater than in the urban area. That was the main reason why the Election Commission thought fit to introduce the symbol system. A symbol can be easily recognized even by an illiterate person. It has, therefore, to be conceded that the correct printing of a candidate's symbol was most essential for the proper election. Once the symbol disappears, there can be no election in the real sense of the term. In the absence of symbol on ballot papers, the illiterate voters are easily inclined to believe that something has wrong with a candidate; that he has either withdrawn or that he has not been permitted to contest the election. The illiterate people are very credulous indeed. They are ready to believe even an absurd gossip provided it appeals to their fancy. In this particular case, there is reason to believe that thousands of illiterate electors were affected by the propaganda, rumours and gossips on account of the misprinted ballot papers. Reference may be made to the percentage of poll on 19th February, 1962 and succeeding dates. According to Sri Tirbeni Sahai PW 48, on 19th February, 1962 the poll was 57.99 per cent; on 21st February, 1962 it dropped down to 48.3 per cent and on 25th February, 1962 it again rose to 68 per cent. Let me make it clear that on 19th February, 1962 and 21st February, 1962 the poll took place in rural area, while on 25th February,

1962 the poll took place in Aligarh town and its adjoining urban area. I have already mentioned that literacy is much higher in urban area than rural area, and that literate voters are less inclined to be elected by propaganda and rumours. That is why on 23rd February, 1962 in Aligarh town the poll was as high as 68 per cent. The fact that in rural area the poll dropped down on 21st February, 1962 shows that the illiterate electors were materially affected by the propaganda on the basis of misprinted ballot papers.

For the reasons given above I hold that the misprinted ballot papers gave an opportunity or a handle to the unscrupulous people to make propaganda against the petitioner, with the result that a substantial number of voters were prevented from casting their votes in favour of the candidate of their choice. It is not possible to prove or predict the actual number of such affected voters. But it can be safely said that their number was substantial.

The majority of respondent No. 1 is 3,000 and odd. According to Sri Ram Krishna Saxena, Elector Inspector, PW 5, the respondent No. 1 secured 73,571 votes, while the petitioner secured 70,546 votes. There is every reason to hold in this case that this majority might have been wiped out, if there had been no misprinting of ballot papers and consequent propaganda.

As stated above, issue No. 9 incorporated in issue No. 1(d). It is contended on behalf of respondent No. 1 that it is not open to the petitioner to question the acts and omission of the Election Commission with regard to this election. It is urged that the Election Commission is an independent body, that the misprinted ballot papers were brought to its notice, that it did not deem it proper to take any action, and that consequently the petitioner is barred from questioning it. I am afraid, I cannot accept this argument. I have already pointed out that the Election Commission was not apprised of the full facts of this election and that there was nothing before it to show that misprinted ballot papers had given rise to unscrupulous propaganda. That is why the Election Commission did not think it proper to stop the election. But that does not mean that the petitioner is prevented from showing that the election was void because there had been non-compliance with the provisions of the Constitution, or the R.P. Act or the Rules framed thereunder. In my opinion, the respondent No. 1's plea is without force.

I, therefore, decide Issues Nos. 1 and 9 in favour of the petitioner and against the respondent No. 1. Issue No. 2: In Annexure R, the petitioner gives the particulars of corrupt practice practised by the respondent No. 1 on 19th February 1962, 20th February, 1962 and 21st February, 1962. It is alleged that on 19th February, 1962 at 8-15 a.m. in the immediate vicinity of the public road near village Ramnagar in Tehsil Khair, and again at 9 a.m. near the tube well of Thakur Thamman Singh in Nagla Padam, the respondent No. 1 indulged in false propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed; that on 20th February, 1962 on his way to Jalali while passing through Sheikha and Sheikhpur, and again on 21st February, 1962 while visiting the polling stations of Bhankri, Aiwasi, Diholi, Mukandpur, Hajipur Pali and Gadrana, the respondent No. 1 indulged in similar propaganda.

Thamman Singh PW 11 has stated that he was a voter in Parliamentary Constituency No. 77 during the last election. He and other people of his village had decided to vote for the petitioner. He has a tube well four furlongs away from Nagla Padam polling station. On 19th February, 1962 at about 9 a.m. he noticed respondent No. 1 addressing a number of people near the tube well aforesaid to the effect that the petitioner had withdrawn. Fifty or 100 people had collected there by that time. Respondent No. 1's car carried two flags, one of the Republic Party and the other of the Communist Party. After the said meeting was over, the witness and his companions decided that since the petitioner had withdrawn, everyone was free to vote as he liked. The witness and some of his companions did not cast their vote at all. He wrote the letter Ex. 40 to the petitioner about it. In cross-examination he admits that he did not complain about the alleged propaganda to any authority. Moreover, a perusal of the letter Ex. 40 goes to show that he never mentioned the name of respondent No. 1 in connection with the alleged propaganda. It is, therefore, difficult to place reliance upon his testimony on this particular point.

In rebuttal, DW 1 Namat, DW 2 Charan Singh, DW 3 Bucha and DW 4 Jethua stated that on 19th February, 1962 they went to cast their vote at Nagla Padam polling station, that respondent No. 1 never came there and that he and his agents never indulged in any propaganda. I am quite prepared to believe their testimony

so far as the absence of respondent No. 1 at Nagla Padam polling station on that date is concerned.

PW 49 Shoran Singh and PW 50 Narsinghpal have stated that during the last general elections at about 8 a.m. respondent No. 1 came to Ramnagar, that he told the voters that the petitioner had withdrawn as his symbol had not been printed. Neither of these two witnesses made a complaint of this fact to the petitioner's agent or any other authority. It is, therefore, difficult to place reliance upon their testimony as against respondent No. 1, who in rebuttal examined DW 23 Bahadur Singh and DW 24 Ramsingh. Both these witnesses belong to Ramnagar and stated that the respondent No. 1 never turned up in their village on that polling day. I see no reason to disbelieve them.

PW 30 Babulal Suman has stated that during the last general elections he worked as a Congress worker. On 20th February, 1962 at 4-30 p.m. he heard respondent No. 1 indulging at village Sheikha in the false propaganda that the petitioner had withdrawn as his symbol had not been printed. The witness made enquiry about it from the Election Officer who gave out that there was no truth in the propaganda. In cross-examination, he stated that he never mentioned this fact either to the petitioner or to the Congress candidate Sri Jarar Hyder, because he never met them. I have already pointed out that this witness belongs to the Arya Samaj, to which the petitioner also belongs. It is, therefore, difficult to give credence to his testimony.

In rebuttal DW 14 Ashfaq, DW 15 Chafur Khan and DW 16 Ganga Sahai stated that they were present at Sheikha on that date, that respondent No. 1 never turned up there and that no propaganda of any kind was indulged in by respondent No. 1 or his supporters. Their testimony on this point carries conviction.

The petitioner has adduced no evidence to show that the respondent No. 1 did any propaganda at Diholi or at Gadrana. He has, however, adduced evidence to show that respondent No. 1 was guilty of such propaganda at Bhankri Aiwasi, Mukandpur and Hajipur.

PW 45 Uddhav Prasad and PW 46 Piarey Lal have stated that during the last general elections they went to cast their vote at Bhankri Aiwasi polling station, that at about 11-45 a.m. respondent No. 1 turned up there, that he addressed a crowd of 15 or 20 people to the effect that he was winning as the petitioner had withdrawn. Both of them conceded that they never made any formal complaint against the alleged propaganda to any authority.

In rebuttal, DW 34 Ramdial and DW 35 Summer came forward to deny that respondent No. 1 turned up at Bhankri Aiwasi on the polling day or that he indulged in any propaganda there. In my opinion, the evidence in rebuttal carries more weight than the petitioner's evidence on this point.

As regards Hajipur Fateh polling station, the only witness examined by the petitioner is Mahesh Kumar who acted as polling officer there in February 1962. According to him he heard some 25 people saying that the petitioner had withdrawn. Those men were putting on blue caps and had elephant badges. What is noteworthy is that he did not mention the name of respondent No. 1 in connection with the alleged propaganda.

In rebuttal, DW 58 Pratap Singh stated that he remained at Hajipur Fateh polling station from 8 a.m. till 5 p.m. on the polling day, that respondent No. 1 never turned up there and that he made no such propaganda there. His denial being specific is rather convincing.

As regards Mukandpur polling station, PW 54 Bankey Lal has stated that he was assistant polling officer there on 21st February, 1962. Respondent No. 1 turned up there at about noon and told the people that the petitioner had withdrawn as his symbol had not been printed. He asked respondent No. 1 not to indulge in such propaganda. In cross-examination he stated that he never complained about the alleged propaganda to the polling officer or to the presiding officer; nor did he mention this fact to the petitioner's agent. It is, therefore, difficult to place much reliance upon his testimony.

In rebuttal, DW 49 Bhawnamal and DW 50 Jamna Dass stated that both of them went to Mukandpur polling station on the polling day, that they remained there from 6 a.m. till 4 p.m. that they never noticed respondent No. 1 there and that no propaganda of any kind was made there. I see no reason to disbelieve them so far as respondent No. 1 is concerned.

The respondent No. 1 himself entered the witness box as DW 70 and stated that neither he, nor his agents, nor his workers indulged in any such propaganda during the last election, and that he had instructed his agents and workers to abstain from all improper activities. On 19th February, 1962 he never went anywhere near Ramnagar, Nagla Padam, Amritpur, Dewa Hamidpur etc. On that morning he was at Khair where he remained till 11-15 a.m. He booked three trunk calls from Khair to Aligarh, one for Professor Habibur Rehman, the other for Dr. Ravendra Khwaja and the third for Dr. Abdul Basir Khan. Out of these three calls, the first two matured. He contacted those gentlemen to get a car because his own car had broken down. At about 11 a.m. he left Khair for Tappal in his wife's car. He is supported on his point by DW 40 Dr. Ravendra Khwaja, DW 48 Professor Hafizur Rehman and DW 55, a telephone inspector, whose testimony leaves no room for doubt that respondent No. 1 was present on that morning at Khair on 19th February, 1962. It, therefore, follows that he could not be present on that morning at Nagla Padam, Diholi, Ramnagar and Amritpur etc.

Respondent No. 1 as DW 70 has further deposed that on 20th February, 1962 he did not go to Shelkha or Shelkhpur or to Jalali, that he did not make any propaganda at those places. On that morning he went to Atmadpur by car and remained at Agra throughout the day. He addressed two meetings at Agra, one at Mirahsan crossing and the other at Chitra Talkies. He left Agra at 10 p.m. He is corroborated on this point by DW 17 Shri Chand, DW 18 Keshav Deo and DW 19 Khalilul Rehman. It is true that their testimony is not corroborated by any documentary evidence, yet there is nothing damaging in their cross-examination to discredit them.

As DW 70 the respondent No. 1 has further testified that on 21st February, 1962 he did not visit Bhankri Alwasi, Diholi, Hajipur and Gadrana. On that date he remained in Aligarh town in the company of Piarey Lal alias Talib M.P. At 7-30 a.m. he and Sri Piarey Lal reached the Kothi of Bhai Amersingh. Thereafter he visited the house of Sardar Charan Singh and thereafter the Collectorate where Sri Talib had a talk with Sri K. C. Joshi, Collector and eventually they toured the University area for the purpose of canvassing. At 6 p.m. he left Sri Talib at the railway station and went to Jalali. He is corroborated on this point by DW 59 Sri Piarey Lal M.P. and DW 53 Sardar Charan Singh. It is difficult to disbelieve their testimony.

It is true that the plea of alibi was kept secret by respondent No. 1 till the very last. He did not raise it in his written statement; nor did he cross-examine the petitioner's witnesses on that line. It is also true that the plea of alibi is rather weak. Nevertheless, the evidence produced on behalf of the petitioner connecting the respondent No. 1 with the alleged propaganda is rather weak. I, therefore, decide the issue against the petitioner.

Issue No. 3.—An Annexure S, the petitioner gives the particulars of the false propaganda done by respondent No. 1's agent Babu Lal on 19th February, 1962 near Amritpur polling station. PW 27 Samar Singh and PW 29 Amer Singh have stated that during the last general election both of them acted as agents of the Congress Party at Amritpur polling station. According to them, on the polling day, respondent No. 1's agent Babulal did false propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed. It is not possible to place much reliance upon their testimony, particularly when they made no complaint against the alleged propaganda to the presiding officer or to any other authority.

PW 51 Rajpal Singh stated that on 19th February, 1962 he acted as a polling agent for the Jansangh candidate at Amritpur polling station. At 9-30 a.m. respondent No. 1's agent Babu Lal propagated there that the petitioner had withdrawn. Again he made no complaint against Babu Lal to the polling officer or to the presiding officer. It is, therefore, difficult to place reliance on his testimony.

I would like to refer to the testimony of Jagpal Singh PW 3 on this point. According to him, he went to Amritpur polling station on the polling day. He noticed some people doing propaganda against the petitioner. He, therefore, wrote the letter Ex. 11. A perusal of this letter goes to show that there is no mention of Babulal therein. I, therefore, believe Babulal who as DW 10 states on oath that

he did not indulge in any such propaganda at Amritpur polling station on the polling day.

In Annexure S-2, it is alleged by the petitioner that Rampal agent of respondent No. 1 indulged in false propaganda against the petitioner at Mahua polling station on 19th February, 1962. In support of that allegation, PW 34 Debi Ram and PW 35 Hamida came forward to depose that on the polling day Ramphul did propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed. What is noteworthy is that they made no complaint in respect of the alleged propaganda to any authority.

In rebuttal, DW 25 Bankey Singh, DW 26 Munshi Lal and DW 57 Ramphul stated on oath that no such propaganda was indulged at Mahua polling station on the polling day on behalf of respondent No. 1, or by his agent Ramphul. There is nothing very damaging in their cross-examination.

In Annexure S-3 it is alleged that respondent No. 1's agent Bhudeo Prasad indulged in false propaganda on 19th February, 1962 at Rustampur polling station. In support of this allegation the petitioner examined PW 40 Dhan Ram. According to him on the polling day he went along with 15 or 20 persons to Rustampur polling station. There Bhudeo Prasad did propaganda to the effect that the petitioner had withdrawn as his symbol had not been printed. What is note worthy is that he did not complain against the said propaganda to any authority. PW 41 Birbal also stated that there was false propaganda by the Republican Party at Rustampur against the petitioner, but he did not mention the name of Bhudeo in his testimony, which can, therefore, be ignored.

In rebuttal, DW 31 Sheo Prasad and DW 56 Bhudeo stated on oath that there was no such propaganda at Rustampur on the polling day, and that Bhudeo Prasad was nowhere in the picture. Since there is nothing particular in their cross-examinaion to discredit them. I find difficult to disbelieve them.

In Annexure S-4 it is alleged that respondent No. 1's agents Raghubir Singh and Tejsingh indulged in false propaganda against the petitioner on the polling day at Hastpur Chandphari. PW 38 Rajbir Singh and PW 39 Sohan Lal stated that on the polling day they noticed the members of the Republican Party indulging in false propaganda against the petitioner. PW 38 Rajbir Singh did not mention the name of Raghubir Singh or of Tejsingh. PW 39 Sohanlal only stated that on enquiry he was told that the man responsible for the propaganda was Tejsingh. What is noteworthy is that he did not make any complaint about the alleged propaganda to any authority.

In rebuttal, respondent No. 1 examined DW 27 Karori Lal, DW 28 Mohd. Khan, DW 41 Tejsingh and DW 55 Raghubir Singh, who all stated on oath that there was no such propaganda on the polling day at Hastpur Chandphari, and that Raghubir Singh or Tejsingh did not say a word to that effect there. I find it difficult to disbelieve them.

In Annexure S-5, the petitioner's complaint is that at Sahri Madangarhi polling station, respondent No. 1's agent Basdeo indulged in false propaganda against the petitioner. PW 36 Ram Adhin stated that during the last general elections he went to cast his vote at the polling station Sahri Madangarhi. Some 40 or 50 other persons went with him to cast their vote for the petitioner. There one Basdeo who was putting on a blue cap gave out that the pctitioner had withdrawn and that consequently some 40 or 50 voters went away without casting their votes. What is noteworthy is that this witness was not previously acquainted with Basdeo. It is, therefore, difficult to believe his testimony in respect of Basdeo. PW 37 Ganga also spoke about false propaganda at Sahri Madangarhi on behalf of the Republican Party on he polling day, but he did not mention the name of Basdeo in his testimony which can, therefore, be ignored.

In rebuttal DW 46 Basdeo deposed that he acted as respondent No. 1's agent at Sahri Madangarhi and that he did not indulge in any propaganda whatsoever on the polling day at that polling station. It is difficult to discredit his testimony.

In Annexure S-6, it is alleged that respondent No. 1's agent Har Prasad indulged in false propaganda against the petitioner at Aisipela polling station. In support

of this contention, the petitioner examined PW 40 Charan Singh and PW 44 Har Prasad, who stated that during the last general elections they went to cast their vote at Aisipala where respondent No 1's agent Har Prasad indulged in false propaganda to the effect that the petitioner had withdrawn and that his symbol had not been printed. Again neither of these two witnesses lodged any formal complaint against the alleged propaganda with any authority.

In rebuttal, DW 44 Har Prasad and DW 45 Sheodan Singh deposed that neither of them indulged in any such propaganda against the petitioner at Aisipala or anywhere else during the polling days. There is nothing very damaging in their cross-examination.

Annexure S-7 refers to Dikoli polling station. The petitioner has adduced no evidence in respect of it. On the contrary, respondent No 1 examined DW 36 Ramsingh DW 37 Bedram Singh who stated that there was no propaganda whatsoever on behalf of respondent No 1 at this polling station on the polling day.

Annexure S-8 refers to Pall Razapur, but neither of the parties has adduced any evidence in respect of it. Annexure S-9 refers to Gadrana polling station but the petitioner has adduced no evidence in respect of it. In rebuttal, DW 32 Alladia, DW 33 Khubi Singh and DW 43 Babulal Pippal stated on oath that there was no such propaganda on behalf of respondent No 1 at Gadrana polling station on the polling day.

Annexure S-10 refers to polling station Lohara. It is alleged that on the polling day, Lakhi Ram, respondent No 1's agent indulged in false propaganda on the polling day at this polling station. In this connection, I would like to refer to the statement of PW 23 Debi Pd. He acted as a polling officer on 21st February, 1962 at Lohara polling station. He, however, stated on oath that there was no propaganda of any kind on that polling station on that date. This is enough to show that the petitioner's contention about the propaganda at this polling station is without force.

In Annexure T, it is alleged that respondent No 1's supporter Dr Chanderpall indulged in false propaganda at Sarai Har Narain polling station against the petitioner who has, however, failed to substantiate that allegation by any independent evidence. On the contrary, Dr Chandar Pal entered the witness box as DW 42 and denied on oath that he was guilty of any such propaganda. He was corroborated on this point by DW 67 Bidha Ram, whom I see no reason to disbelieve.

Accordingly, I decide this issue against the petitioner and in favour of respondent No 1.

Issue No 5—In view of my finding on Issue Nos 2 and 3, this issue does not arise.

Issues Nos. 5 and 7—Neither of the parties has pressed these issues. The petitioner's learned counsel refers to the testimony of Sri Ram Krishna Saxena, Election Inspector PW 5, who has stated that some of the marked copies of electoral rolls had been eaten and destroyed by moths. In Khar Constituency by the electoral-rolls of polling stations Nos 6, 13, 35 and 69 were found missing. In Iglas Constituency the electoral-rolls of polling stations Nos 28, 31 and 32 were found missing. In Koil Constituency the electoral-rolls of polling stations Nos 56, 85 and 86 were found missing. The petitioner therefore concedes that it is not possible to say whether the ballot papers given in Annexures L, M & N were improperly received in favour of respondent No 1 or whether the ballot papers given in Annexure Q were illegally rejected.

Similarly, the respondent No 1's counsel is unable to substantiate the allegations mentioned in Schedules A to D. Consequently I decide Issue No 5 against the petitioner and Issue No. 7 against the respondent.

Issue No. 6—In the course of arguments, respondent No 1's learned counsel has been fair enough not to press this issue. In my opinion it is well settled that the Election Commission or the Returning Officer is not a necessary party to an election petition of this nature. I, therefore, hold that these proceedings are not bad for non-joinder of a necessary party. The issue is decided accordingly.

Issue No 8—In view of my finding on Issue No 1, the petitioner is entitled to the declaration that the election of respondent No 1 from Aligarh Parliamentary Constituency No. 77 is void.

ORDER

It is hereby declared that the respondent No. 1's election from Aligarh Parliamentary Constituency No. 77 is void. In the peculiar circumstances of the case, I am of opinion that there should be no order about the costs in this petition.

(Sd.) BIR SINGH,
Election Tribunal, Aligarh.
21-4-1964.

[No. 82/117/62.]

By Order,
PRAKASH NARAIN, Secy.

MINISTRY OF FINANCE
(Department of Expenditure)
(Defence Division)

New Delhi, the 16th May 1964

S.O. 1701.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following amendments be made in the Schedule to the notification of the Government of India in the Ministry of Finance (Defence Division) No. S.R.O. 629, dated the 28th February, 1957, namely:—

In the said Schedule, in Part I—General Central Service, Class II, for the entries under the subheading “Secretariat”, the following entries shall be substituted, namely:—

| (1) | (2) | (3) | (4) |
|----------------------------|---|---|------------------|
| “All Gazetted posts | Financial Adviser, Defence Division. | Financial Adviser, Defence Division. | All |
| | | Additional Financial Adviser, Defence Division. | (i) to (iii). |
| All non-gazetted posts. | Additional Financial Adviser, Defence Division. | Additional Financial Adviser, Defence Division. | All.” |

[No. F. 10/2/64-Estt.]

M. L. VARMA,
Assistant Financial Adviser.

(Department of Economic Affairs)

New Delhi, the 14th May 1964

S.O. 1702.—Statement of the Affairs of the Reserve Bank of India, as on the 8th May 1964

BANKING DEPARTMENT

| LIABILITIES | Rs. | ASSETS | Rs. |
|--|---------------|--|---------------|
| Capital paid up | 5,00,00,000 | Notes | 18,31,38,000 |
| Reserve Fund | 80,00,00,000 | Rupee Coin | 3,49,000 |
| National Agricultural Credit (Long Term Operations) Fund | 73,00,00,000 | Small Coin | 4,86,000 |
| | | National Agricultural Credit (Long Term Operations) Fund | |
| | | (a) Loans and Advances to :— | |
| National Agricultural Credit (Stabilisation) Fund | 8,00,00,000 | (i) State Governments | 28,30,57,000 |
| | | (ii) State Co-operative Banks | 8,16,39,000 |
| | | (iii) Central Land Mortgage Banks | |
| Deposits :— | | (b) Investment in Central Land Mortgage Bank Debentures | 3,59,36,000 |
| (a) Government : | | National Agricultural Credit (Stabilisation) Fund | |
| (i) Central Government | 53,74,97,000 | Loans and Advances to State Co-operative Banks | .. |
| (ii) State Governments | 21,39,50,000 | Bills purchased and discounted :— | |
| (b) Banks : | | (a) Internal | .. |
| (i) Scheduled Banks | 80,94,27,000 | (b) External | .. |
| (ii) State Co-operative Banks | 2,22,68,000 | (c) Government Treasury Bills | 59,17,77,000 |
| (iii) Other Banks | 4,28,000 | Balances Held Abroad* | 8,27,32,000 |
| (c) Others | 159,15,32,000 | Loans and Advances to Governments** | 56,57,28,000 |
| Bills Payable | 36,13,13,000 | Loans and Advances to :— | |
| Other Liabilities | 73,68,59,000 | (i) Scheduled Banks† | 79,04,23,000 |
| | | (ii) State Co-operative Banks†† | 112,80,70,000 |
| | | (iii) Others | 1,81,70,000 |
| | | Investments | 186,26,36,000 |
| | | Other Assets | 31,41,33,000 |
| Rupees | 593,82,74,000 | Rupees | 593,82,74,000 |

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 20,98,65,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 12th day of May, 1964.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 8th day of May 1964

ISSUE DEPARTMENT

| LIABILITIES | Rs. | Rs. | ASSETS | Rs. | Rs. |
|--|----------------|----------------|---|---------------|----------------|
| Notes held in the Banking Department | 18,31,38,000 | | Gold Coin and Bullion :— | | |
| Notes in circulation | 2576,90,28,000 | | (a) Held in India | 117,76,10,000 | |
| | | | (b) Held outside India | .. | |
| Total Notes issued | | 2595,21,66,000 | Foreign Securities | 103,45,69,000 | |
| | | | TOTAL | | 221,21,79,000 |
| | | | Rupee Coin | | 101,63,00,000 |
| | | | Government of India Rupee Securities | | 2272,36,87,000 |
| | | | Internal Bills of Exchange and other commercial paper | | .. |
| TOTAL LIABILITIES | | 2595,21,66,000 | TOTAL ASSETS | | 2595,21,66,000 |

Dated the 12th day of May, 1964.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/64]

A. BAKSI, Jt. Secy.

ERRATUM

The S.O. No. of the Statement of Affairs of the Reserve Bank of India as on 24th April 1964, published in the Gazette of India, Part II—Section 3(ii), dated 9th May 1964, on page 1816, may be read as "1562" in place of "1443".

(Department of Revenue and Company Law)

INCOME-TAX

New Delhi, the 11th May 1964

SUBJECT.—*Income-tax Act, 1961—Section 10(15) (iv) (b)—Exemption of tax on interest payable to financial institutions in a foreign country—Central Government approval.*

S.O. 1703.—In exercise of the powers conferred by paragraph (b) of sub-clause (iv) of clause (15) of section 10 of the Income-tax Act, 1961, (43 of 1961), the Central Government hereby accords approval to the Export Credits Insurance Corporation of Canada, Ottawa, for the purposes of exemption from income-tax or super-tax on the interest payable by any industrial undertaking in India on moneys borrowed by it under a loan agreement entered into with the said foreign financial institution.

[No. 28 (F. No. 29/1/64-IT(AI).]

S.O. 1704.—It is hereby notified for general information that the institution mentioned below has been approved by the Council of Scientific and Industrial Research, the "prescribed authority", for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

INSTITUTION

Indian Plywood Manufacturers' Research Association, Bangalore.

[No. 29 (F. No. 10/30/64-IT(AI).]

G. R. DESAI, Dy. Secy.

S.O. 1705.—*Omitted.*

(Department of Revenue & Company Law)

ORDER

STAMPS

New Delhi, the 16th May 1964

S.O. 1706.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which bonds of the value of seventy lakhs of rupees issued by the Maharashtra State Financial Corporation are chargeable under the said Act.

[No. 4/F. No. 1/29/64-Cus.VII.]

M. G. VAIDYA. Under Secy.

CENTRAL BOARD OF DIRECT TAXES**ESTATE DUTY**

New Delhi, the 11th May 1964

S.O. 1707.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 7/F.No. 21(1)-ED/53 dated the 1st June, 1954, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Delhi shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the Union territory of Delhi.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 7/F.No. 21(1)-ED/53 dated the 1st June, 1954 is hereby superseded.

[No. 5/F.No. 21/35/64-ED.]

S.O. 1708.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 17/F.No. 21/7/55-ED dated the 1st February, 1956, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Jaipur shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the Rajasthan State.

2 This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes

of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 17/F. No. 21/7/55-ED dated 1st February 1956 is hereby superseded.

[No. 6/F. No. 21/35/64-E.D.]

S.O. 1709.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 8/F. No. 21/68/62-ED dated the 3rd July, 1962 as amended by notification No. 13/F. No. 21/88/62-ED dated the 25th October, 1962, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Jullundur shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of—

- (i) Amritsar, Bhatinda, Ferozepore, Jullundur, Hoshiarpur, Ludhiana, Gurdaspur, Kangra, Lahaul, Spiti and Kapurthala of the Punjab State;
- (ii) Srinagar, Baramulla, Anantnag, Ladakh, Jammu, Udhampur, Kathua, Poonch and Doda of the State of Jammu & Kashmir; and
- (iii) Chamba of Himachal Pradesh.

2 This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notifications of the Central Board of Revenue No. 8/F. No. 21/68/62-ED dated the 3rd July, 1962 and No. 13/F. No. 21/88/62-ED dated the 25th October, 1962 are hereby superseded.

[No. 7/F. No. 21/35/64-ED.]

S.O. 1710.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 7/F. No. 21/68/62-ED, dated the 3rd July, 1962, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Patiala, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons, who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of—

- (i) Patiala, Sangrur, Ambala, Rohtak, Mohindergarh, Gurgaon, Hissar, Karnal and Simla of the Punjab State; and
- (ii) Nahan, Mahasu, Bilaspur, Mandi and Kinnur of Himachal Pradesh.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy

Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 7/F. No. 21/68/62-ED, dated the 3rd July, 1962, is hereby superseded.

[No. 8/F. No. 21/35/64-ED.]

S.O. 1711.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 18/F. No. 21/38/58-ED, dated the 15th June, 1959, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Nagpur, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of—

- (i) Nagpur and Bhandara of the Maharashtra State; and
- (ii) Durg, Balaghat, Raipur, Ambikapur, Bilaspur, Raigarh, Bastar, Jabalpur, Mandla, Narsinghpur, Chhindwara, Seoni, Satna, Rewa, Panna, Shadol, Tikamgarh, Sidhi and Chattarpur of the Madhya Pradesh State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 18/F. No. 21/38/58-ED, dated the 15th June, 1959, is hereby superseded.

[No. 9/F. No. 21/35/64-ED.]

S.O. 1712.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 19/F. No. 21/38/58-ED, dated the 15th June, 1959, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Indore, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Indore, Dhar, Dewas, Nimar (Khargao), Ujjain, Rajgarh, Shajapur, Ratlam, Mandsaur, Jhabna, Gwalior, Morena, Bhind, Datia, Shivpuri, Guna, Sehore, Raesan, Philsa, Nimar (Khandwa), Hoshangabad, Betul, Sagar and Demoh of the Madhya Pradesh State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 19/F. No. 21/38/58-ED, dated the 15th June, 1959, is hereby superseded.

[No. 10/F. No. 21/35/64-ED.]

S.O. 1713.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 28/F. No. 21/114/60-ED, dated the 29th November, 1960, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Lucknow, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Lucknow, Baryilly, Rampur, Moradabad, Najibabad, Agra and Firozabad of the Uttar Pradesh State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 28/F. No. 21/114/60-ED, dated 29th November, 1960, is hereby superseded.

[No. 11/F. No. 21/35/64-ED.]

S.O. 1714.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 18/F. No. 21/52/60-ED, dated the 8th July, 1960, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Allahabad, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any income-tax Circle, the headquarters of which lies within the revenue-districts of Allahabad, Varanasi, Mirzapur, Faizabad, Gonda, Gorakhpur, Azamgarh, Jaunpur and Sitapur of the Uttar Pradesh State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 18/F. No. 21/52/60-ED, dated 8th July, 1960, is hereby superseded.

[No. 12/F. No. 21/35/64-ED.]

S.O. 1715.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 29/F. No. 21/114/60-ED, dated the 29th November, 1960, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Kanpur, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased

persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Kanpur, Jhansi, Fategarh and Etawa of the Uttar Pradesh State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 29/F. No. 21/114/60-ED, dated 29th November, 1960, is hereby superseded.

[No. 13/F. No. 21/35/64-ED.]

S.O. 1716.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 30/F. No. 21/114/60-ED, dated the 29th November, 1960, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Meerut, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons, who immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Meerut, Dehradun, Saharanpur, Muzaffarnagar, Mathura, Aligarh and Bulandshahr of the Uttar Pradesh State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 30/F. No. 21/114/60-ED, dated 29th November, 1960, is hereby superseded.

[No. 14/F. No. 21/35/64-ED.]

S.O. 1717.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 16/F. No. 21/7/55-ED, dated the 7th February, 1956, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Dibrugarh, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons, who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any income-tax Circle within the Range of the Inspecting Assistant Commissioner of Income-tax, Assam, Tripura and Manipur, Shillong.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estates Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 16/F. No. 21/7/55-ED, dated the 7th February, 1956, is hereby superseded.

[No. 15/F. No. 21/35/64-ED.]

S.O. 1718.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 10/F. No. 21/6/60-ED dated the 3rd May, 1960, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Calcutta shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the West Bengal State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 10/F. No. 21/6/60-ED dated the 3rd May, 1960 is hereby superseded.

[No. 16/F. No. 21/35/64-ED.]

S.O. 1719.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 41/F. No. 21/120/60-ED dated the 9th January, 1961, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Patna shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Patna, Sahbad, Gaya, Monghyr, Santhal-Parganas, Purnea, Saharsa, Darbhanga, Bhagalpur, Champaran, Saran and Muzaffarpur of the Bihar State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 41/F. No. 21/120/60-ED dated the 9th January, 1961 is hereby superseded.

[No. 17/F. No. 21/35/64-ED.]

S.O. 1720.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 42/F. No. 21/120/60-ED dated the 9th January, 1961, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Ranchi shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue districts of—

- (i) Ranchi, Hazaribagh, Palaman, Singhbhum and Dhanbad of the Bihar State; and
- (ii) Cuttack, Dhenkanal, Puri, Mayurbhanj, Balasore, Keonjhar, Sambalpur, Sundergarh, Kalahandi, Keraput, Belangir, Ganjam and Phulbani-Boudh of the Orissa State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 42/F. No. 21/120/60-ED dated the 9th January, 1961 is hereby superseded.

[No. 18/F. No. 21/35/64-ED.]

S.O. 1721.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 72/F. No. 21/64/61-ED dated the 23rd December, 1961 the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Hyderabad shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Hyderabad, Nalgonda, Karimnagar, Adilabad, Nizamabad, Medak, Warangal, Mehbubnagar and Krishna of the Andhra Pradesh State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 72/F. No. 21/64/61-ED, dated the 23rd December, 1961 is hereby superseded.

[No. 19/F. No. 21/35/64-ED.]

S.O. 1722.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963)

and in supersession of the notification of the late Central Board of Revenue No. 72/F. No. 21/64/61-E.D. dated the 23rd December, 1961 as last amended by notification No. 16/F. No. 21/87/63-ED dated the 8th July, 1963 the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-*cum*-Income-tax Circle, Kakinada shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons, who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of West Godavary, East Godavary, Visakhapatnam, Srikakulam and Khammameth of the Andhra Pradesh State and the territory of Yanam in the Union Territory of Pondicherry.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notifications of the Central Board of Revenue No. 72/F. No. 21/64/61-ED, dated 23rd December, 1961 and No. 16/F. No. 21/87/63-ED dated 8th July, 1963 are hereby superseded.

[No. 20/F. No. 21/35/64-ED.]

S.O. 1723.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 72/F. No. 21/64/61-ED, dated the 23rd December, 1961, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-*cum*-Income-tax Circle, Guntur, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Kurnool, Anantpur, Cuddapah, Chittoor, Nellore and Guntur of the Andhra Pradesh State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 72/F. No. 21/64/61-ED, dated 23rd December, 1961, is hereby superseded.

[No. 21/F. No. 35/35/64-ED.]

S.O. 1724.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 7/F. No. 21/21/60-ED, dated the 9th March, 1960, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-*cum*-Income-tax Circle, Ernakulam, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been

assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Ernakulam, Trivandrum, Quilon, Alleppey, Kottayam, Thuchur, Palghat, Kozhikode and Cannanore of the Kerala State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 7/F. No. 21/21/60-ED, dated 9th March, 1960, is hereby superseded.

[No. 22/F. No. 21/35/64-ED.]

S.O. 1725.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (24 of 1953), read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 35/F. No. 21/21/60-ED, dated the 30th November, 1960, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Madras, shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the Municipal limits of the City of Madras.

2. This notification shall come into force on 1st June, 1964

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly the earlier notification of the Central Board of Revenue No. 35/F. No. 21/21/60-ED, dated 30th November, 1960, is hereby superseded.

[No. 23/F. No. 21/35/64-ED.]

S.O. 1726.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (24 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 34/F. No. 21/81/57-ED dated the 31st December, 1957, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Madurai shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue districts of Madurai, Ramanathapuram, Tirunelveli and Kanyakumari of the Madras State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 34/F.No. 21/81/57-ED dated the 31st December, 1957 is hereby superseded.

[No. 24/F. No. 21/35/64-ED.]

S.O. 1727.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 62/F. No. 21/91/61-ED dated the 11th October, 1961 as amended by notification No. 14/F. No. 21/69/63-ED dated the 29th June, 1963, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Coimbatore shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Salem, Nilgiris and Coimbatore of the Madras State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controller/Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 62/F. No. 21/91/61-ED, dated 11th October 1961 and No. 14/F. No. 21/69/63-ED, dated 29th June, 1963, are hereby superseded.

[No. 25/F. No. 21/35/64-ED.]

S.O. 1728.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 11/F. No. 21/69/63-ED dated the 29th June, 1963, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Thanjavur shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of North Arcot, South Arcot, Chingleput, Tiruchirapalli and Thanjavur of the Madras State and the territories of Pondicherry and Karikal in the Union territory of Pondicherry.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 11/F. No. 21/69/63-ED dated 29th June 1963 is hereby superseded.

[No. 26/F. No. 21/35/64-ED.]

S.O. 1729.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 67/F. No. 21/41/61-ED dated the 28th October, 1961, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, BANGALORE shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Bangalore, Mandya, Mysore, Tumkur and Kolar of the Mysore State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 67/F. No. 21/47/61-ED dated 28th October 1961 is hereby superseded.

[No. 27/F. No. 21/35/64-E.D.]

S.O. 1730.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 66/F. No. 21/47/61-ED dated the 28th October 1961, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, MANGALORE shall perform his functions as Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of South Kanara, Hassan, Coorg, Chickmagalur and Shimoga of the Mysore State.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 66/F. No. 21/47/61-ED dated 28th October 1961 is hereby superseded.

[No. 28/F. No. 21/35/64-E.D.]

S.O. 1731.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 28/F. No. 21/92/60-ED dated the 20th September, 1960, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, BHARWAR shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of

which lies within the revenue-districts of Dharwar, Belgaum, North Kanara, Gulburga, Bijapur, Raichur, Bidar, Bellary and Chitaldurg of the Mysore State and the territory of Goa in the Union territory of Goa, Daman and Diu.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 26/F. No. 21/92/60-ED dated 20th September, 1960 is hereby superseded.

[No. 29/F. No. 21/35/64-E.D.]

S.O. 1732.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 11/F. No. 21(1)-ED/53 dated the 1st June, 1954, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, BOMBAY shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the Municipal limits of the City of Bombay.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 11/F. No. 21(1)-ED/53 dated the 1st June, 1954 is hereby superseded.

[No. 30/F. No. 21/35/64-ED.]

S.O. 1733.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue No. 15/F. No. 21/38/59-E.D. dated the 25th May, 1959, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, AHMEDABAD shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Banaskantha, Sabarkantha, Mehsana, Ahmedabad, Amreli, Halar, Madhya Saurashtra, Zalarwad, Gohiswad, Sorath and Kutch of the Gujarat State and the territory of Diu in the Union territory of the Goa, Daman and Diu.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds

rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 15/F. No. 21/38/59-ED dated 25th May 1959 is hereby superseded.

[No. 31/F. No. 21/35/64-E.D.]

S.O. 1734.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 16/F. No. 21/38/59-ED dated the 25th May, 1959, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty *cum* Income-tax Circle, BARODA shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Surat Broach, Baroda, Danga, Kalra and Panch Mahals of the Gujarat State, the territory of Daman in the Union territory of Goa, Daman and Diu and the Union territory of Dadra and Nagar Haveli.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 16/F. No. 21/38/59-ED dated 25th May 1959 is hereby superseded.

[No. 32/F. No. 21/35/64-E.D.]

S.O. 1735.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 17/F. No. 21/38/59-ED dated the 25th May, 1959, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty *cum* Income-tax Circle, POONA shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue-districts of Poona, Satara North, Satara South, Kolhapur, Ratnagiri, Kolaba, Sholapur, Ahmednagar, Thana, Akola, Amravati, Yeotmal, Buldhana, Wardha, Chanda, Aurangabad, Nanded, Osmanabad, Bhir, Parbhani, East Khandesh, West Khandesh and Nasik.

2. This notification shall come into force on the 1st June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment. Accordingly, the earlier notification of the Central Board of Revenue No. 17/F. No. 21/38/59-ED dated 25th May, 1959, is hereby superseded.

[No. 33/F. No. 21/35/64-E.D.]

S.O. 1736.—In exercise of the powers conferred by sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2)

of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of the notification of the late Central Board of Revenue No. 11-ED/-21/52/57-ED dated the 5th September, 1957, the Central Board of Direct Taxes hereby directs that every Assistant Controller of Estate Duty appointed as such under the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 4-ED dated the 15th October, 1953, shall, subject to such rules and orders made by the Central Board of Direct Taxes as may be in force for the time being, perform the functions of a Controller under the said Act in respect of the estate of a deceased person, if in respect of the assessment under the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Income-tax Act) of the deceased immediately before his death, he was exercising or would have exercised had the deceased derived any taxable income, the functions of the Income-tax Officer under the Income-tax Act, or if the case of the deceased, whether before or after his death, is transferred to him for the purposes of assessment under the Income-tax Act.

2. This notification shall come into force on the 1st day of June, 1964.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory).

At present the estates whose value does not exceed rupees ten lakhs are dealt with by Assistant Controllers of Estate Duty and the estates whose value exceeds rupees ten lakhs are dealt with by Deputy Controllers of Estate Duty. It has since been decided to empower the Assistant Controllers to deal with all classes of estates of deceased persons irrespective of their value and to divest the Deputy Controllers of powers of assessment.

[No. 34/F. No. 21/35/64-ED.]

P. K. GHOSH, Under Secy.

INCOME-TAX

New Delhi, the 12th May 1964

S.O. 1737.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following further amendments in the Schedule appended to the late Central Board of Revenue Notification S.O. 1739 (28-Income tax-F. No 50/12/63-IT) dated the 22nd June, 1963 namely:—

In the Schedule against 'A' Range, Madras and "Coimbatore Range", the following entries shall be substituted, namely:—

'A' Range, Madras

1. Madras Circle I.
2. Madras City Circle V.
3. Madras (Special) Circle.
4. Special Circle, Madras.
5. Foreign Section, Madras.
6. Central Circle I & II Madras.
7. E. D.-cum-I. T. Circle, Madras.
8. Madras Special (Central) Circle.
9. Special Investigation Circle 'A', Madras.
10. Special Investigation Circle 'B', Madras.
11. Tax Recovery Circle, Madras.
12. Central Circles I and II, Madras.
13. Central Circles III, IV, V and VI, Madras.

Coimbatore

1. Coimbatore Circle.
2. Special Survey Circle, Coimbatore.
3. Special Investigation Circle, Coimbatore.
4. E. D.-cum-I. T. Circle, Coimbatore.
5. Erode Circle.
6. Excess Profit Tax Circles, Coimbatore and Erode.
7. Ootacamund Circle
8. Coimbatore Circle I.
9. Coimbatore Circle II.
10. Central Circle I, Coimbatore.
11. Central Circle II, Coimbatore.

This notification shall take effect from 15th May 1964.

Explanatory Note

The amendments have become necessary on account of the re-organisation of Circles in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarivactory.)

[No. 30 (F. No. 50/12/64-ITJ).]

S.O. 1738.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the ranges specified in column I of the schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

| Range | Income-tax Circles, Wards and Districts |
|-----------|--|
| (1) | (2) |
| Amritsar | <ol style="list-style-type: none"> 1. All Income-tax Circles, Wards or Districts having headquarters at Amritsar except Special Survey Circle, Amritsar. 2. Special Survey Circle, Amritsar (in respect of persons who have their principal place of business in or reside in the District of Amritsar). |
| Jullundur | <ol style="list-style-type: none"> 1. All Income tax Circles, Wards or Districts having headquarters at:— <ol style="list-style-type: none"> (i) Jullundur. (ii) Gurdaspur. (iii) Batala. (iv) Pathankot. (v) Hoshiarpur. (vi) Chandigarh. 2. Special Survey Circle, Amritsar (in respect of persons who have their place of business in or reside in the Districts of Jullundur, Gurdaspur and Hoshiarpur). 3. Special Survey Circle, Patiala (in respect of persons who have their place of business in or reside in the jurisdiction of Income-tax Circle Chandigarh and Salary Circle, Jullundur). |
| Ludhiana | <ol style="list-style-type: none"> 1. All Income tax Circles, Wards or Districts having headquarters at:— <ol style="list-style-type: none"> (i) Ludhiana. (ii) Srinagar. (iii) Jammu. 2. Special Survey Circle, Amritsar (in respect of persons who have their principal place of business in or reside in the District of Ludhiana). |
| Patiala | <ol style="list-style-type: none"> 1. All Income tax Circles, Wards or Districts having headquarters at:— <ol style="list-style-type: none"> (i) Patiala except Special Survey Circle, Patiala. (ii) Sangrur. (iii) Bhatinda. 2. Special Survey Circle, Patiala (in respect of persons who have their principal place of business in or reside in the Districts of Patiala, Sangrur and Bhatinda). |

| (1) | (2) |
|--------|--|
| Rohtak | <ol style="list-style-type: none"> 1. All Income tax Circles, Wards or Districts having headquarters at:— <ol style="list-style-type: none"> (i) Rohtak. (ii) Hissar. (iii) Karnal. (iv) Gurgaon. (v) Ferozepur. (vi) Abohar. 2. Special Survey Circle, Patiala (In respect of persons who have their principal place of business in or reside in the Districts of Rohtak, Hissar, Karnal and Gurgaon). 3. Special Survey Circle, Amritsar (in respect of persons who have their principal place of business in or reside in the District of Ferozepur). |
| Ambala | <ol style="list-style-type: none"> 1. All Income tax Circles, Wards or Districts having headquarters at:— <ol style="list-style-type: none"> (i) Ambala. (ii) Yamuna Nagar. (iii) Simla. 2. Special Survey Circle, Patiala (In respect of persons who have their principal place of business in or reside in the Districts of Ambala and Simla). |

Where an Income-tax Circle, Ward and District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Range from whom that income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 15th May, 1964.

Explanatory Note

The amendments have become necessary on account of the re-organisation of the Appellate Ranges in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 32 (F. No. 50/14/63-IT).]

New Delhi, the 15th May 1964

S.O. 1739.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes, hereby directs that the Appellate Assistant Commissioner of Income-tax of the Ranges specified in column 1 of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

| Range (1) | Income-tax Circles, Wards and Districts (2) |
|----------------------|--|
| 'A' Range, Ahmedabad | <ol style="list-style-type: none"> 1. Group Circle I(1), Ahmedabad. 2. Group Circle I(2), Ahmedabad. 3. Group Circle II(1), Ahmedabad. 4. Circle V, Ahmedabad. 5. Circle X, Ahmedabad. 6. Petlad Circle. |

| (1) | (2) |
|----------------------|--|
| 'B' Range, Ahmedabad | <ol style="list-style-type: none"> 1. Group Circle II(2), Ahmedabad. 2. Group Circle III(1), Ahmedabad. 3. Group Circle III(2), Ahmedabad. 4. Group Circle I(3), Ahmedabad. 5. Group Circle III(3), Ahmedabad. 6. Circle I Companies Ward, Ahmedabad. 7. Central Circle. 8. Investigation Circle I(1), Ahmedabad. 9. Investigation Circle I(2), Ahmedabad. 10. Circle II, Ahmedabad. 11. Circle VIII, Ahmedabad. 12. Circle III, Ahmedabad. 13. Nadiad Circle I, Nadiad. 14. Nadiad Circle II, Nadiad. |
| 'C' Range, Ahmedabad | <ol style="list-style-type: none"> 1. Circle IV, Ahmedabad. 2. Circle IX, Ahmedabad. 3. Circle I, Ahmedabad (except companies Ward). 4. Circle VI, Ahmedabad. 5. Circle VII, Ahmedabad. |
| 'A' Range, Baroda | <ol style="list-style-type: none"> 1. Circle I, Baroda. 2. Godhra Circle. |
| 'B' Range, Baroda | <ol style="list-style-type: none"> 1. Circle II, Baroda. 2. Broach Circle. |
| Surat | <ol style="list-style-type: none"> 1. Circle I, Surat. 2. Circle II, Surat. 3. Navsari Circle. 4. Bulsar Circle. |
| Rajkot | <ol style="list-style-type: none"> 1. Rajkot Circle I, Rajkot. 2. Rajkot Circle II, Rajkot. 3. Morvi Circle. 4. Bhuj Circle. 5. Jamnagar Circle I, Jamnagar. 6. Jamnagar Circle II, Jamnagar. |
| Bhavnagar | <ol style="list-style-type: none"> 1. Bhavnagar Circle I, Bhavnagar. 2. Bhavnagar Circle II, Bhavnagar. 3. Junnagadh Circle. 4. Veraval Circle. 5. Amreli Circle. 6. Porbandar Circle. 7. Surendranagar Circle. 8. Mehsana Circle. 9. Palanpur Circle. 10. Patan Circle. |

Where an Income-tax Circle, Ward and District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Range from whom that income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 15th May, 1964.

Explanatory Note

The amendments have become necessary on account of the creation of new circles and re-naming of some circles in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

MINISTRY OF INDUSTRY*New Delhi, the 13th May 1964*

S.O. 1740.—The Government of Madhya Pradesh having nominated Shri Devindar Nath, Secretary, Commerce and Industry Department, Government of Madhya Pradesh, to be a member of the Central Silk Board, under clause (g) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints Shri Devindar Nath aforesaid to be a member of the Central Silk Board with effect from the 9th April, 1964, and makes the following further amendment in the notification of the Government of India in the Ministry of Industry No. S.O. 1313 dated the 9th April, 1964.

In the said notification after serial number 15, the following shall be inserted, namely:—

“15-A Shri Devindar Nath, Secretary,
Commerce and Industry Department,
Government of Madhya Pradesh,
Bhopal.

Nominated by the Government of
Madhya Pradesh under section 4(3)(g)
of the Act.”

[No. F. 22/2/64-HS(2).]

New Delhi, the 15th May 1964

S.O. 1741.—The Central Government hereby notifies that the Rajya Sabha has, in pursuance of clause (c) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), elected Shri Nanda Kishore Das, a member of the Rajya Sabha, to be a member of the Central Silk Board with effect from the 9th May, 1964.

[No F. 22/2/64-HS(2).]

P. SITARAMAN, Dy. Secy.

(Branch Secretariat Textiles)*Bombay, the 11th May 1964*

S.O. 1742.—In exercise of the powers conferred on me by clause 5(1) of the Cotton Control Order, 1955, I hereby cancel the Textile Commissioner's Notification S.O. No. 431, dated the 27th January, 1964.

[No. 10(1)/64-Control.]

R. DORAISWAMY,

Textile Commissioner & *Ex-Officio* Jt. Secy.

(Branch Secretariat Textiles)*Bombay, the 12th May 1964*

S.O. 1743.—In exercise of the powers conferred by sub-clause (i) of Clause (5) of the Cotton Textiles (Export Control) Order 1949, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Department of Commerce No. 67-CW(25A)/48 dated the 26th March, 1949, namely:—

(A) In the said Notification in paragraph 2, the following sub-paragraph shall be added namely:—

“(6) The word ‘seconds’ in the case of cloth classifiable as ‘seconds’ within the meaning of paragraph 8(c)(v) of the Textile Commissioner's Notification No. 80.Tex.1/48(iii) dated the 2nd August, 1948.”

(B) In paragraph 8, in sub-paragraph (b), the following shall be added, namely:—

“(viii) The word ‘seconds’ if the bale contains cloth classifiable as seconds within the meaning of paragraph 8(c)(v) of the Textile Commissioner's Notification No. 80.Tex.1/48(iii) dated 2nd August, 1948.”

[No. 3(5)/63-Control.]

I. R. KAKAR, Under Secy.

(Indian Standards Institution)*New Delhi, the 8th May 1964*

S.O. No. 1744.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964 the Indian Standards Institution hereby notifies that the marking fee per unit for Safety Glass for Land Transport, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 June 1964.

THE SCHEDULE


| Serial No. | Product/Class of Product | No. and title of relevant Indian Standard | Unit | Marking Fee per Unit |
|------------|----------------------------------|---|-----------------|----------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | Safety Glass for Land Transport. | IS : 2553—1964 Specification for Safety Glass for Land Transport. | One Square Foot | 1 nP |

[No. MD/18:2]

S.O. 1745.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 1 June 1964.

THE SCHEDULE

| Sl. No. | Design of the Standard Mark | Product/Class of Product to which applicable | No. & Title of Relevant Indian Standard | Verbal description of the design of the Standard Mark |
|---------|---|--|---|---|
| (1) | (2) | (3) | (4) | (5) |
| (1) |  | Safety Glass for Land Transport. | IS:2553-1964 Specification for Safety Glass for Land Transport. | The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superimposed on the top side of the monogram as indicated in the design. |

[No. MD/17:2]

D.V. KARMARKAR, Ag. Director.

ERRATA

The following corrections may please be made in the Ministry of Industry (Indian Standards Institution) Notifications published in the Gazette of India, Part II, Section 3, Sub-section (ii):

(a) S.O. 943 dated 3 March 1964 published in the Gazette dated 21st March 1964.

(i) Page 1171, S. No. 4, Col. 7,
for 'Mein' read 'Mines'

(ii) Page 1173, S. No. 16, Col. 2,
for 'CM/L-642' read 'CM/L-641'

(b) S.O. 1371 and S.O. 1372 dated 6th April 1964 published in the Gazette dated 18th April 1964.

(i), Page 1628, S. No. 4, Col. 2
for 'CM/L-654' read 'CM/L-645'.

(ii) Page 1631, S. No. 26 Col. 6
for 'Patallel' read 'Parallel'.

In the Ministry of Industry (Indian Standards Institution) Notification, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 11th January 1964, the following error should be corrected.

S.O. 137 dated 11 January 1964, line 4,
for 'IS: 2553-1963' read 'IS: 2553-1964'.

MINISTRY OF INTERNATIONAL TRADE

(Office of the Jt. Chief Controller of Imports & Exports)

NOTICES

Bombay, the 14th April 1964

S.O. 1746.—It is hereby notified that in exercise of the powers conferred by clause 9(a) of the Imports (Control) Order 1955, the Government of India, in the Ministry of International Trade propose to treat as *ab-initio-void* the following licences which have been secured by M/s. M. M. Traders, 31, Dhun Villa, Fort Road, Mahim, Bombay-16 on the basis of forged and fabricated documentary evidence of exports unless sufficient cause against this is furnished to the Dy. Chief Controller of Imports & Exports, Bombay within ten days of the date of issue of this notice by the said M/s. M. M. Traders, 31, Dhun Villa, Fort Road, Mahim, Bombay-16 or any bank or any other party, who may be interested in it:—

| Sl. No. | Licence No. & Date | Value in Rs. | Item | I.T.C. S. No. | Area | Issued by |
|---------|---|--------------|-----------------------|---------------|------|---------------------|
| 1 | P/EP/2256122/C/XX /18/C/B/18 dt. 23-1-1964. | 32,200 | Ivory unmanufactured | 14-IV | G.A. | JCCI&E., Bombay. |
| 2 | P/EP/2260220/C/XX /18/C/B/18 dt. 5-3-1964. | 32,200 | Ivory unmanufactured. | Do. | Do. | Do. |
| 3 | P/EP/2260204/C/XX /18/C/B/18 dt. 5-3-1964. | 34,812 | Art Silk Yarn. | 177-IV. | Do. | Do. |
| 4 | P/EP/2238483/C/XX dt. 26-10-63 | 15,472 | Do. | Do. | Do. | Do. |
| 5 | P/EP/2256141/C/XX /18/C/B/18 dt. 24-1-1964. | 34,812 | Do. | Do. | Do. | Do. |
| 6 | 872078 dt. 30-8-63 | 13,537 | Do. | Do. | Do. | Do. |
| 7 | 2255943 dt. 21-1-64 | 34,812 | Do. | Do. | Do. | Do. |

In view of what is stated above M/s. M. M. Traders, 31 Dhun Villa, Fort Road, Mahim, Bombay-16 or any Bank or any other party, who may be interested in the said licences are hereby directed not to enter into any firm commitments against the said licences and return them immediately to the Deputy Chief Controller of Imports and Exports, Bombay.

[No. 1/83/64CDN-II.]

S.O. 1747.—It is hereby notified that in exercise of the powers conferred by clause 9(a) of the Imports (Control) Order 1955, the Government of India, in the Ministry of International Trade propose to treat as *ab-initio-void* the following licence which has been obtained by M/s. Neo Bharat Traders, Morar Bldg., Mody Street, Bombay-1 on the basis of forged and fabricated documentary evidence of exports unless sufficient cause against this is furnished to the Dy. Chief Controller of Imports & Exports, Bombay within ten days of the date of issue of this notice by the said M/s. Neo Bharat Traders, Morar Bldg., Mody Street, Bombay-1 or any bank or any other party, who may be interested in it:—

| Sl. No. | Licence No. & Date | Value in Rs. | Item | I.T.C. S. No. | Area | Issued by |
|---------|--------------------|--------------|----------------|---------------|------|------------------------|
| I | 0886820 dt. 4-9-63 | 11,625 | Art Silk Yarn. | 177-IV | G.A. | J.C.C.I&E., Bombay. |

In view of what is stated above M/s. Neo Bharat Traders, Morar Building, Mody Street, Bombay-1 or any Bank or any other party, who may be interested in the said licence are hereby directed not to enter into any firm commitments against the said licence and return it immediately to the Deputy Chief Controller of Imports and Exports, Bombay,

[No. 1/83/64/CDN-II.]

N. BANERJI,

Dy. Chief Controller of Import & Exports
Bombay.

MINISTRY OF HEALTH

ORDER

New Delhi, the 15th, May 1964

S.O. 1748.—Whereas the Government of India in the Ministry of Health has, by notification No. F. 5-14/58-MI, dated the 25th March, 1960, made, in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) recognised the medical qualification "M.D. granted by the Universite Catholique de Louvain, Belgium", for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Yvonne-Maria Waelkens, who possesses the said qualification, continues to work in the St. Joseph Hospital, Dindigul, to which she is attached for the time being for the purpose of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Waelkens shall be limited.

[No. F. 32-20/64-MPT.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF WORKS AND HOUSING

New Delhi the 11th May 1964

S.O. 1749.—In exercise of the powers conferred by section 3 of the Public Premises Eviction of Unauthorised Occupants) Act 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column 1 of the table below, being gazetted officers of Government, to be estate officers for the purpose of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the Said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table

THE TABLE

| Designation of officers | Categories of public premises and local limits of jurisdiction |
|---|--|
| 1. Manager (Admn.), Ammunition Factory, Kirkee. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Ammunition Factory, Kirkee. |
| 2. Manager (Admn.), Metal & Steel Factory, Ishapore. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of Metal & Steel Factory, Ishapore. |
| 3. Manager (Admn.), Ordnance Factory, Khamaria | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of Ordnance Factory Khamaria. |
| 4. Manager (Admn.), Ordnance Factory, Kanpur (Armapur Estate) | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of Ordnance Factory, Kanpur (Armapur Estate) |
| 5. Deputy Manager (Admn), Ordnance Factory, Ambarnath | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Ordnance Factory, Ambarnath. |
| 6. Deputy Manager (Admn.), Gun Carriage Factory, Jabbalpore. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of Gun Carriage Factory, Jabbalpore. |
| 7 Deputy Manager (Admn), Gun and Shell Factory, Cossipore. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Gun and Shell Factory, Cossipore. |
| 8. Deputy Manager (Admn), Harness and Saddlery Factory, Kanpur. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of Harness & Saddlery Factory, Kanpur. |
| 9. Assistant Manager (Admn), Ordnance Factory, Bhusawal. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Ordnance Factory, Bhusawal. |
| 10. Assistant Manager (Admn), Ordnance Factory, Katni. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of Ordnance Factory, Katni. |
| 11. Assistant Manager (Admn), Cordite Factory, Aruvankadu. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Cordite Factory, Aruvankadu. |

I

2

- | | |
|--|--|
| 12. Assistant Manager (Admn.), Ordnance Factory, Dehra Dun. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Ordnance Factory, Dehra Dun. |
| 13. Assistant Manager (Admn.), Ordnance Factory, Muradnagar. | Premises under the Administrative Control of the Ministry of Defence situated within the local limits of jurisdiction of the Ordnance Factory, Muradnagar. |
| 14. Assistant Manager (Admn.), Clothing Factory, Shahjahanpur. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Clothing Factory Shahjahanpur. |
| 15. Assistant Manager (Admn.), Ordnance Parachute Factory, Kanpur. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Ordnance Parachute Factory, Kanpur. |
| 16. Assistant Manager (Admn.), Ordnance Factory, Dum Dum. | Premises under the Administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the Ordnance Factory, Dum Dum. |

[No. 32/5/64-Acc.II.]

New Delhi, the 12th May 1964

S.O. 1750.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the table below, being gazetted officers of Government, to be estate officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officer by or under the said Act within the local limits of his respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

| Designation of officers | Categories of public premises and local limits of jurisdiction |
|---|--|
| I | 2 |
| Deputy Manager (Admn.), New Explosives Factory, Bhandara. | Premises under the administrative control of the Ministry of Defence situated within the local limits of jurisdiction of the New Explosives Factory, Bhandara. |

[No. 32(5)/64-Acc.II]

S. L. VASUDEVA, Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 12th May 1964

S.O. 1751.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works

Housing and Rehabilitation, Government of India, New Delhi for further transfer to the appropriate Body for muslim grave yard

SCHEDULE

Piece of land measuring 15 466 acres bearing khasra Nos 676 min, 675 min; 670 min, situated in Indorpat Estate

The above piece of land is bounded as follows —

| | |
|-------|--------------------|
| NORTH | Land of Rly Deptt. |
| SOUTH | Land of D D A. |
| EAST | Ring Road, |
| WEST | Rly line |

[No L 2(15)/62]

R. K. VAISH, Secy.

MINISTRY OF EDUCATION

(Department of Education)

ARCHAEOLOGY

New Delhi, the 11th May 1964

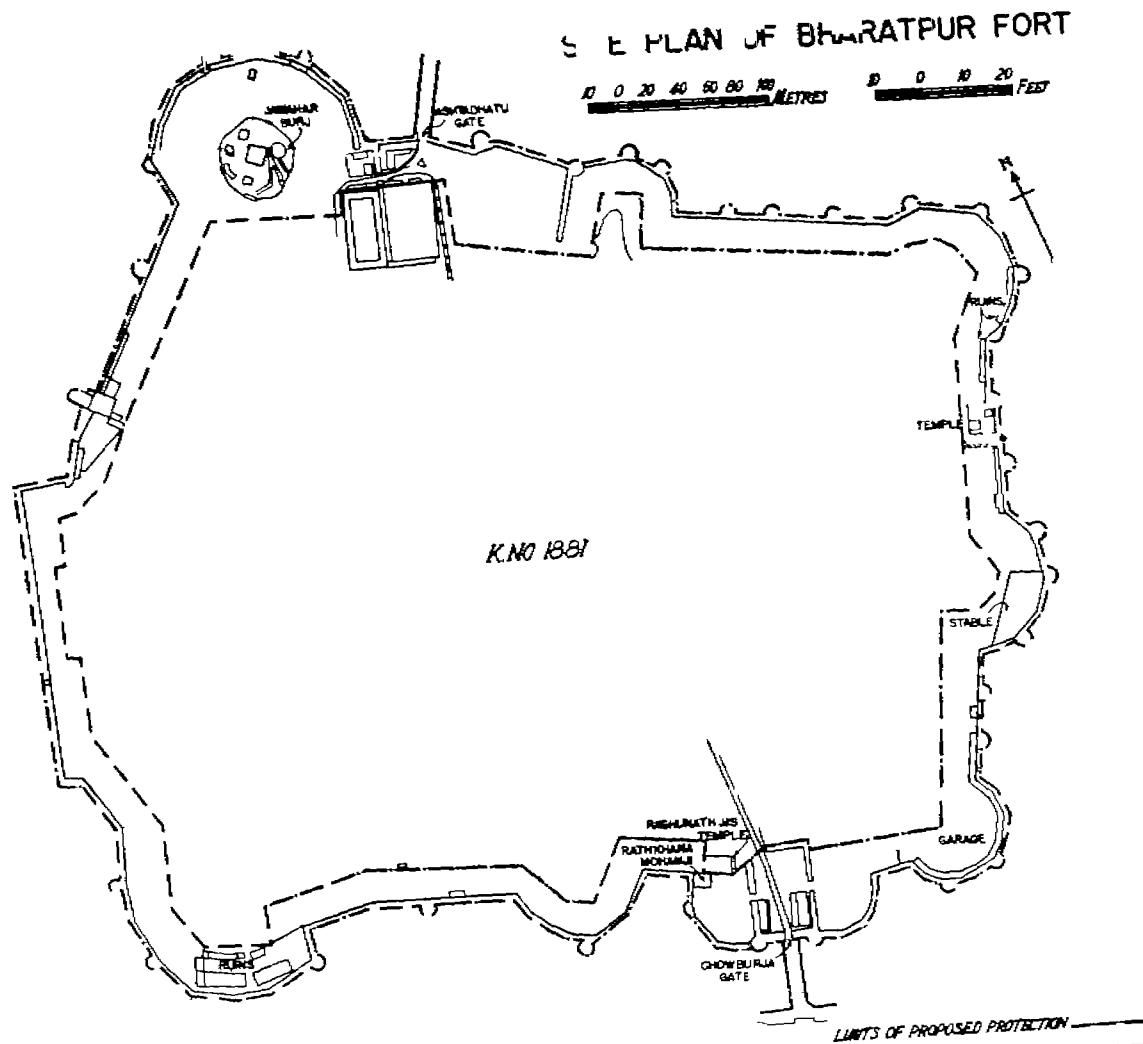
S.O. 1752.—Whereas by notification of the Government of India in the Ministry of Education No F 4-37/63 C 1 dated the 29th November, 1963, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 7th December, 1963, the Central Government gave notice of its intention to declare the archeological monument specified in the Schedule below to be of national importance.

And, whereas, objections received to the making of such declaration have been considered by the Central Government,

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monument to be of national importance

SCHEDULE

| Sl. No. | State | District | Tehsil | Locality | Name of Monument/ site | Revenue Plot Number to be included under protection | Area | Boundaries | Ownership | Remarks |
|---------|-----------|-----------|-----------|-----------|---|---|---------------|--|------------------|---------|
| I | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1. | Rajasthan | Bharatpur | Bharatpur | Bharatpur | Fort walls including Chowburja gate and approach bridges at the Chowburja and Ashtadhatu gates together with adjacent land comprised in part of survey plot No. 1881 as shown in the plan reproduced below. | A part of Survey plot No. 1881 as shown in the plan reproduced below. | 21.630 Acres. | <p><i>Inner boundaries :</i></p> <p><i>North:</i>—Remaining portion of survey plot No. 1881.</p> <p><i>East:</i>—Remaining portion of survey plot No. 1881.</p> <p><i>South:</i>—Remaining portion of survey plot No. 1881.</p> <p><i>West:</i>—Remaining portion of survey plot No. 1881.</p> <p><i>Outer boundaries :</i></p> <p><i>North :</i> Moat.</p> <p><i>East :</i> Moat.</p> <p><i>South :</i> Moat.</p> <p><i>West :</i> Moat</p> | State Government | |



[No F 4-37/63 c1]

New Delhi, the 14th May 1964

S.O. 1753.—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

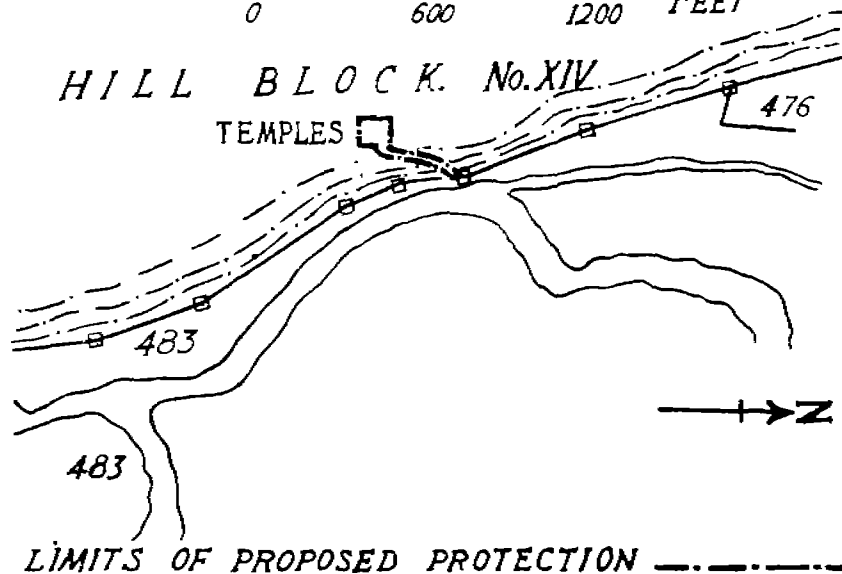
| Serial No. | State | District | Tehsil | Locality | Name of monument | Revenue plot number to be included under protection. | Area | Boundaries | Ownership | Remarks |
|------------|----------------|----------|----------|---------------|---|---|------|--|------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1 | Andhra Pradesh | Kurnool | Giddalur | Pitikayagulla | Pitikesvara group of temples including approach road and adjacent land comprised in part of Hill Block No. XIV. | Part of Hill Block No. XIV as shown in the plan reproduced below. | 0.36 | <p><i>North</i> : Remaining portion of Hill Block No. XIV.</p> <p><i>East</i> : Remaining portion of Hill Block No. XIV and Survey plot No 483.</p> <p><i>South</i> : Remaining portion of Hill Block No. XIV.</p> <p><i>West</i> : Remaining portion of Hill Block No. XIV.</p> | State Government | The Hill Block is unsurveyed. Temples are under worship. |

SITE PLAN OF PITIKESVARA TEMPLES AT PITIKAYAGULLA

SCALE OF 0 200 600 METRES
0 600 1200 FEET

HILL BLOCK. No. XIV.

TEMPLES



[No. F.4-10/64-CL.]

New Delhi, the 16th May 1964

S.O. 1754.—Whereas the Central Government is of opinion that the ancient monuments specified in the Schedule attached hereto are of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monuments to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monuments will be considered by the Central Government.

SCHEDULE

| Serial No. | State | District | Sub-Division | Locality | Name of monuments | Revenue plot number to be included under protection. | Area | Boundaries | Ownership | Remarks |
|------------|--------|----------|--------------|--------------------------------|--|---|---------------|---|---|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1 | Orissa | Keonjhar | Sadar | Sitabhinji, Danguapasi Village | Paintings on the rock locally known as Ravana-Chhaya and other ancient monuments and remains, together with adjacent land comprised in survey Plot Nos. 159, 155, 156, 224, 331, 356, 357, 335, 336, 358, 337, 339, 291, 226, 304, 305, 303, 227, 228, 299, 302, 300, 301, 362, 355, 229, 160/1, 229/1, and 231/1. | Whole of survey plot Nos. 159, 155, 156, 224, 331, 356, 357, 335, 336, 358, 337, 339, 291, 226, 304, 305, 303, 227, 228, 299, 302, 300, 301, 362, 355, 229, 160/1, 229/1 and 231/1. | 103.05 acres. | North :— Survey plot Nos. 162, 161, 160, 338, 359, 158 and 223. East :— Survey plot Nos. 222, 224, 225, 295, 294, 230, 233, and 231. South :—River. West :— Survey plot Nos. 344, 347, 149, 345, 354, 346, 151, 242, 154 and 163. | Survey plot Nos. 159, 155, 156, 224, 229, 160/1, 229/1, and 231/1—Government owned and remaining under private ownership. | |

[No. F.4-17/64-CI.]

S. J. NARSIAN
Assistant Educational Adivser.

MINISTRY OF STEEL, MINES AND HEAVY ENGINEERING**(Department of Iron and Steel)***New Delhi, the 12th May 1964*

S. O. 1755.—ESS. COMM/IRON & STEEL/-27(1)/64.—The following notification issued by the Iron & Steel Controller under Sub-clause (1) of Clause 27 of the Iron and Steel (Control) Order 1956, is published for general information:

"NOTIFICATION

In exercise of the powers conferred by Sub-clause (1) of Clause 27 of the Iron & Steel (Control) Order 1956, amended from time to time and with the approval of the Central Government, the Iron and Steel Controller hereunder notifies the following amendment to the Notification No. S.O. 731 ESS. COMM/Iron & Steel/64 dated 29th February 1964 published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated 1st March 1964.

*Amendment***(E) Schedule No. V****(Part IA—fresh, unused, defectives)***Delete Serial No. 2 Tin Bars—Defectives or rejected.*

This should be deemed to have taken effect from the date of publication of this Notification in the Gazette of India.

Sd/- S. C. MUKHERJEE,

Iron and Steel Controller".

[No. S.C(C)-2(20)/64.]

C. A. NAIR, Under Secy.

(Department of Iron and Steel)**CORRIGENDUM***New Delhi, the 16th May 1964*

S.O. 1756.—In the schedule annexed to Department Notification No. SC(A)-2(16)/63, dated the 29th April 1964 published in Part II, Section 3(ii) of the Gazette of India, dated the 9th May 1964,

(a) Under 'Mysore', in column 3, against

1. Iron and Steel Controller, Government of Mysore, Bhadravati,
For Clause 26(6) read 26(1).

2. Assistant Iron and Steel Controller, Government of Mysore, Bhadravati,

For Clause 2 read 20.

(b) Under 'Orissa', in column 3 against 10. All Sub-divisional Officers and Taluq Officers in the State of Orissa,

Add 4, 5, 18, 20, 24(b), 24(c) & 24(d).(c) Under 'Himachal Pradesh' for the existing entry in column 3 against 2, 3 and 4 of column 2, *read as follows:*—

2. The Chief Secretary to
the Government of Himachal
Pradesh

7 (for approving or authorising transfer of materials on loan basis in respect of non-agricultural GDS Quota for GP/GC sheets only).

3. The Deputy Director of Civil
Supplies, Himachal Pradesh

4, 5, 18, 20, 23, 24(b), 24(c)
& 24(d).

4. The Director of Agriculture
and the District Agriculture
Officers, Administration of
Himachal Pradesh

4, 5, 28(b & c) (for Iron and
Steel only).

At the end of the Notification under File No. SC(A)-2(16)/63

Add A. N. RAJAGOPALAN, Under Secretary.

[No. SC(A)-2(1)/64.]

A. N. RAJAGOPALAN, Under Secy.

(Department of Mines and Metals)

New Delhi, the 14th May 1964

S.O. 1757.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the Office of the National Coal Development Corporation Ltd. (Revenue Section), Darbhanga House, Ranchi or at the Office of the Deputy Commissioner, Dhanbad or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands mentioned in the said Schedule shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer of the National Coal Development Corporation Ltd., Darbhanga House, Ranchi within 90 days from the date of publication of this Notification.

SCHEDULE

(MONIDIH BLOCK EXTENSION)

(Jharia Coalfield)

Drg. No. Rev/129/63

Dated 22-11-1963

(showing land notified for prospecting)

| Sl. No. | Village | Thana | Thana No. | District | Area | Remarks |
|---------|---------------------|--------|-----------|----------|------|---------|
| 1. | Karitanr | Jharia | 89 | Dhanbad | | Part |
| 2. | Majhiladi or Jogidi | Jharia | 91 | Dhanbad | | Part |
| 3. | Bardubhi | Jharia | 92 | Dhanbad | | Part |
| 4. | Rajasbera | Jharia | 102 | Dhanbad | | |
| 5. | Sabaldih | Jharia | 103 | Dhanbad | | Part |
| 6. | Jatudih | Jharia | 104 | Dhanbad | | Part |
| 7. | Gansadih | Jharia | 105 | Dhanbad | | Part |
| 8. | Jarma | Jharia | 106 | Dhanbad | | Part |
| 9. | Phutaha | Jharia | 99 | Dhanbad | | Part |

Total Area — 1235.00 Acres Approximately OR
500.18 Hectares Approximately.

BOUNDARY DESCRIPTION:

A-B Line passes through villages Bardubhi, Karitanr and Majhiladi or Jogidi and meets at point 'B'.

B-C Line passes along the left bank of Damodar River in villages Majhiladi or Jogidi, Bardubhi, Jatudih, Gansadih and Jarma (i.e. along one part common boundary of Parbatpur Block) and meets at point 'C'.

C-D Line passes along the common boundary of villages Jarma and Petia, common boundary of villages Jarma and Kenduyadih, Rajasbera and Kenduyadih and meets at point 'D'.

D-E-F Lines pass through villages Rajasbera and Phutaha and meet at point 'F'.

F-G-H-I Lines pass through villages Phutaha, Rajasbera and Sabaldih (i.e. along the part common boundary of Central Jharia main Block) and meet at point 'I'.

I-J Line passes through villages Sabaldih and Jatudih (i.e. along the part common boundary of Central Jharia Block Extension) and meets at point 'J'.

J-A Line passes through villages Jatudih and Bardubhi (i.e. along the part common boundary of Central Jharia Block 'B') and meets at point 'A'.

[No. C2-20(12)/64.]

A. NABAR, Under Secy.

MINISTRY OF FOOD & AGRICULTURE**(Department of Agriculture)**

New Delhi, the 12th May 1964

S.O. 1758.—The following draft of certain rules further to amend the Chillies Grading and Marking Rules, 1962, which the Central Government proposes to make in exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published, as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 10th June 1964. Any objection or suggestion which may be received from any person with respect to the said draft before the date aforesaid will be considered by the Central Government.

Draft Rules

1. These rules may be called the Chillies Grading and Marking (Second Amendment) Rules, 1964.

2. In the Chillies Grading and Marking Rules, 1962,—

(1) in Schedule I—

(i) the Grade designation "MSNS" and the entries relating thereto shall be omitted;

(ii) in the footnote, against the item "Moisture", the words and letters "No tolerance will be allowed for the Grade MSNS"; and the items "MSNS" and "Firm Order" and the entries relating thereto shall be omitted;

(2) In Schedule II—

(i) the Grade designation "MSNS" and the entries relating thereto shall be omitted;

(ii) in the footnote, against the item "Moisture", the words and letters "No tolerance will be admissible for Grade MSNS"; and the items "MSNS" and "Firm Order" and the entries relating thereto shall be omitted;

(3) in Schedule III—

(i) the Grade designation "MMNS" and the entries relating thereto shall be omitted;

(ii) in the footnote, against the item "Moisture", the words and letters "No tolerance will be admissible for Grade MMNS"; and the items "MMNS" and "Firm Order" and the entries relating thereto shall be omitted;

(4) in Schedule IV—

- (i) the Grade designation "B.R.N.S." and the entries relating thereto shall be omitted;
- (ii) in the footnote, against the item "Moisture" the words and letters "No tolerance will be admissible for Grade B.R.N.S."; and the items "B.R.N.S." and "Firm Order" and the entries relating thereto shall be omitted;

(5) in Schedule V—

- (i) the Grade designation "BGNS" and the entries relating thereto shall be omitted;
- (ii) in the footnote, against the item "Moisture", the words and letters "No tolerance will be admissible for Grade BGNS"; and the items "BGNS" and "Firm Order" and the entries relating thereto shall be omitted.

[No. F.17-3/64-AM.]

R. R. GUPTA, Under Secy.

(Department of Agriculture)

New Delhi, the 13th May 1964

S.O. 1759.—In exercise of the powers conferred by proviso to article 309 of the Constitution of India, the President hereby makes the following rules further to amend the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture)No. S.O. 358, dated the 4th February, 1959, namely:—

1. These rules may be called the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Amendment Rules, 1964.
2. In the Schedule to the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, under Class II Non-gazetted posts, after item 8 and the entries relating thereto, the following item and entries shall be inserted, namely:—

| 1 | 2 | 3 | 4 | 5 | 6 |
|--|---|--|-----------------------------------|-----------|---|
| 9. Senior Investigator in the Foreign Aid Division | 1 | G.C.S. Class II NonGazetted ; Non Ministerial. | Rs. 325—15— 475—EB—2c— 575. | Selection | 30 years and below (relaxable for Government Servants). |

| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|-------------|---|---|-----------------|------------------------------|----|
| <i>Essential —</i> (i) Master's degree in Economics/ Commerce (with Statistics) of a recognised University or equivalent | No. 2 years | By promotion failing which by direct recruitment. | <i>Promotion :</i> Technical Assistants (Foreign Aid) with three years' service in the grade. | Class II D.P.C. | As required under the rules. | |
| (ii) About 2 years' experience of Economic Research or investigation. | | | | | | |

[No. 3-26/63-E.IV.]

V. P. L. TEJPAL, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 12th May 1964

S.O. 1760.—The following draft of a scheme further to amend the Vizagapatnam Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (i) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th June, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Vizagapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1964.

2. In the Vizagapatnam Dock Workers (Regulation of Employment) Scheme, 1959, (hereinafter referred to as the said Scheme), in clause 3,—

(i) for sub-clause (c), the following sub-clause shall be substituted, namely:—

“(c) ‘Board’ means the Vizagapatnam Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);”

(ii) after sub-clause (p), the following sub-clause shall be inserted, namely:—

“(pp) ‘rules’ means the Dock Workers (Regulation of Employment) Rules, 1962;”

(iii) for clause 4 of the said Scheme, the following clause shall be substituted, namely:—

“4. *Constitution of the Board.*—The Board shall be constituted in accordance with rule 3 to 6 of the Dock Workers (Regulation of Employment) Rules, 1962;”

(iv) in the said scheme, in sub-clause (1) of clause 9, for item (o), the following item shall be substituted, namely:—

“(o) to make a report, when necessary, to the Central Government under rule 6 of the Dock Workers (Regulation of Employment) Rules, 1962;”

[No. 522/14/62-Fac.]

S.O. 1761.—The following draft of a scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th June, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1964.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, (hereinafter referred to as the said Scheme), in clause 3,—

(i) for sub-clause (c), the following sub-clause shall be substituted, namely:—

“(c) ‘Board’ means the Calcutta Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);”

(ii) after sub-clause (p), the following sub-clause shall be inserted, namely:—

“(pp) ‘rules’ means the Dock Workers (Regulation of Employment) Rules, 1962;”

(iii) for clause 4 of the said Scheme, the following clause shall be substituted, namely:—

“4. *Constitution of the Board.*—The Board shall be constituted in accordance with rule 3 to 6 of the Dock Workers (Regulation of Employment) Rules, 1962;”

- (iv) in the said Scheme, in sub-clause (1) of clause 9, for item (o) the following item shall be substituted, namely:—

“(o) to make a report, when necessary, to the Central Government under rule 6 of the Dock Workers (Regulation of Employment) Rules, 1962.”

[No. 522/14/62-Fac.]

S.O. 1762.—The following draft of a scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th June, 1964

Any objection or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1964.
2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, (hereinafter referred to as the said Scheme), in clause 3,—
 - (i) for sub-clause (c), the following sub-clause shall be substituted, namely:—

“(c) ‘Board’ means the Cochin Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);”
 - (ii) after sub-clause (p), the following sub-clause shall be inserted, namely:—

“(pp) ‘rules’ means the Dock Workers (Regulation of Employment) Rules, 1962;”
 - (iii) for clause 4 of the said Scheme, the following clause shall be substituted, namely:—

“4. *Constitution of the Board.*—The Board shall be constituted in accordance with rule 3 to 6 of the Dock Workers (Regulation of Employment) Rules, 1962.”
 - (iv) in the said Scheme, in sub-clause (1) of clause 9, for item (o), the following item shall be substituted, namely:—

“(o) to make a report, when necessary, to the Central Government under rule 6 of the Dock Workers (Regulation of Employment) Rules, 1962;”

[No. 522/14/62-Fac.]

S.O. 1763.—The following draft of a scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th June, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1964.
2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, (hereinafter referred to as the said Scheme), in clause 3,—
 - (i) for sub-clause (c), the following sub-clause shall be substituted, namely:—

“(c) ‘Board’ means the Bombay Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);”
 - (ii) after sub-clause (p), the following sub-clause shall be inserted, namely:—

“(pp) ‘rules’ mean the Dock Workers (Regulation of Employment) Rules,

(iii) for clause 4 of the said Scheme, the following clause shall be substituted, namely:—

“4. *Constitution of the Board.*—The Board shall be constituted in accordance with rule 3 to 6 of the Dock Workers (Regulation of Employment) Rules, 1962;”

(iv) in the said Scheme, in sub-clause (1) of clause 9, for item (o), the following item shall be substituted, namely:—

“(o) to make a report, when necessary, to the Central Government under rule 6 of the Dock Workers (Regulation of Employment) Rules, 1962;”.

[No. 522/14/62-Fac.]

S.O. 1764.—The following draft of a scheme further to amend the Madras Dock Workers (Regulation) of Employment Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th June, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1964.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956, (hereinafter referred to as the said Scheme), in clause 3,—

(i) for sub-clause (c), the following sub-clause shall be substituted, namely:—

“(c) ‘Board’ means the Madras Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);”

(ii) after sub-clause (p), the following sub-clause shall be inserted, namely:—

“(pp) ‘rules’ mean the Dock Workers (Regulation of Employment) Rules, 1962;”

(iii) for clause 4 of the said Scheme, the following clause shall be substituted, namely:—

“4. *Constitution of the Board.*—The Board shall be constituted in accordance with rule 3 to 6 of the Dock Workers (Regulation of Employment) Rules, 1962;”

(iv) in the said Scheme, in sub-clause (1) of clause 9, for item (o), the following item shall be substituted, namely:—

“(o) to make a report, when necessary, to the Central Government under rule 6 of the Dock Workers (Regulation of Employment) Rules, 1962;”.

[No. 522/14/62-Fac.]

K. D. HAJELA, Under Secy.

New Delhi, the 12th May 1964

S.O. 1765.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Pure Kajora Colliery, Post Office Kajoram, District Burdwan and their workmen which was received by the Central Government on the 6th May 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: CALCUTTA

REFERENCE No. 8 of 1964

PARTIES:

Employers in relation to Pure Kajora Colliery, P.O. Kajoram, Dt. Burdwan.

AND

Their workmen.

PRESENT:

Shri L. P. Dave—*Presiding Officer*

APPEARANCES:

On behalf of employers—Shri Dhananjoy Chatterjee, Manager.

On behalf of workmen—Shri Keshab Banerjee, Genl. Secretary, Colliery Mazdoor Union.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 6/27/63-LRII dated 6th March 1964, have referred the industrial dispute existing between the employers in relation to Pure Kajora Colliery and their workmen in respect of the question whether the management was justified in stopping Shri Ramchij Gore, loader, from work from 8th August to 23rd August 1963, and in not to what relief he was entitled, for adjudication to this Tribunal.

2. In response to notices issued by this Tribunal, both parties filed their written statements. The matter was then fixed for hearing and evidence and arguments were actually heard to-day. Thereupon the matter was adjourned for writing award. Some time after this, the parties again appeared before the Tribunal and stated that they had entered into a compromise and produced a joint memorandum of settlement, copy appended herewith, and prayed that an award may be passed in terms thereof.

3. The dispute relates to a loader named Ramchij Gore. He has been working as a loader for some time but he did not work during the period 8th August 1963 to 23rd August 1963, both days inclusive. It is an admitted fact that on 8th August 1963, this workmen did not attend duty and was voluntarily absent. The workman's case is that he had reported for duty on the 9th but the management did not allow him to work till 23rd August 1963 and he was allowed to resume duty on 24th August 1963. On the other hand, the management's case is that this workman had voluntarily remained absent not only on 8th August 1963 but even thereafter and joined duties only on 24th August 1963. The dispute is thus regarding wages for 15 days (out of which there would be 2 Sundays) and the workman has claimed that as he was unjustifiably prevented by the management from working for these days, he was entitled to full wages. On the other hand, management's case is that as he had absented himself, he was not entitled to any wages.

4. Under the terms of settlement, the workman is to be paid a sum of Rs. 30/- for the above period which is almost half to what he would have earned if he had actually worked during these 15 days. In my opinion, the compromise is fair and reasonable and I accept it.

In the result, an award is ordered to be passed under the terms of the compromise.

Sd/- L. P. DAVE,

Presiding Officer.

Dated the 30th April 1964

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 8 OF 1964

PARTIES:

Employers in relation to Pure Kajora Colliery

AND

Their workmen.

The employers and the workmen in the above Reference jointly beg to submit that the dispute under this reference has been amicably settled between them as per terms appearing below:

- (a) that the workman concerned Shri Ramchij Gore will be paid a sum of Rs. 30/- for the period in question viz. from 8th August 1963 to 23rd August 1963.
- (b) that the workman Shri Ramchij Gore will not be entitled to any other payment for the aforesaid period.

The parties will bear their own costs of this reference.

The parties humbly pray that the Hon'ble Tribunal will be pleased to pass an Award on the terms set out above by treating this application as a part of the Award.

For the Management.

(Sd.) Illegible.

For the workmen.

(Sd.) Illegible.
(L.T.I. of Ramchij)

CALCUTTA,

Dated the 30th April 1964.

[No. 6/27/63-LR.II.]

New Delhi, the 14th May 1964

S.O. 1766.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Pure Kajora Colliery, Post Office Kajoram, District Burdwan and their workmen which was received by the Central Government on the 6th May, 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: CALCUTTA.

REFERENCE No. 11 of 1964

PARTIES:

Employers in relation to the Pure Kajora Colliery, P.O. Kajoram,

AND

Their workmen.

PRESENT:

Shri L. P. Dave Presiding Officer.

APPEARANCES:

On behalf of employers.—Shri Dhananjay Chatterjee, Manager.

On behalf of workmen.—Shri Keshab Banerjee, General Secretary, Colliery Mazdoor Union.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 6/10/64-LRII dated 10th March 1964, have referred the industrial dispute existing between the employers in relation to the Pure Kajora Colliery and their workmen in respect of the following matters for adjudication to this Tribunal. The matters referred for adjudication are firstly, whether Shri Suku Ram was employed as Line Mistry in the colliery and if so, to what relief he was entitled and from what date and secondly, whether the termination of his services by the management with effect from 13th January 1964 was proper and justified and if not, to what relief he was entitled.

2. In response to notices issued by the Tribunal, both parties filed their written statements. The matter was then fixed for hearing to-day. When the matter came up before the Tribunal, the parties stated that they had entered into a compromise and produced a memorandum of settlement, copy of which is appended herewith.

3. The dispute relates to a workman named Suku Ram. The employers case is that this workman was a line mazdoor while the workman's case is that he was a line mistry. His services appear to have been terminated from 13th January 1964 and the workman contended this termination was not proper or justified. Under the terms of settlement, the workman is to be taken as Line Mistry Trainee with immediate effect with continuity of service. He is to be promoted and designated as Line Mistry after 9 weeks. He is also to be paid 50 per cent of the wages and other allowances and statutory dues that would have been payable to him in his former post from the date of his non-employment till 1st May 1964. In my opinion, the terms of the compromise are fair and reasonable and I accept it.

In the result, an award is ordered to be passed in terms of the compromise.

Sd./- L. P. DAVE,
Presiding Officer.

Dated, the 30th April 1964.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA.**

REFERENCE No. 11 of 1964

PARTIES:

Employers in relation to Pure Kajora Colliery

AND

Their Workmen.

The employers and the union jointly beg to submit that the dispute under the above Reference has been amicably settled between them on the following terms :—

1. That the workman concerned Shri Suku Ram will be taken as Line Mistry, Trainee, with immediate effect by the Employer with continuity of service.
2. That Shri Suku Ram will be promoted and designated as a Line Mistry automatically after 9 (nine) weeks hence and his emoluments will be revised accordingly.
3. That Shri Suku Ram will be paid 50 per cent of the wages and other legal and statutory dues that would have been payable to him had he been in employment in his former post from the date of his non-employment till 1.5.64.
4. That the parties will bear their own costs of this Reference.

The parties humbly pray that the Hon'ble Tribunal be pleased to pass an award in the above Reference on the terms set out above and treating this application as a part of the Award.

For the Management.

Sd./- DHANANJOY CHATTERJEE,

For the workmen.

Sd./- KESHAB BANERJEE,

Sd./- SUKU RAM.

CALCUTTA;

The 30th April 1964.

[No. 6/10/64-LR.II.]

S.O. 1767.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Real Kajora Colliery, Post Office Kajoragram, District Burdwan and their workmen which was received by the Central Government on the 7th May 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 5 of 1964

PARTIES:

Employers in relation to the Real Kajora Colliery

AND

Their workmen.

PRESENT:

Shri L. P. Dave—*Presiding Officer*.

APPEARANCES:

On behalf of employers: Shri D. S. Sultanla, Superintendent of the Real Kajora Colliery.

On behalf of workmen: Shri Nikhil R. Roy, Officer, Bengal Branch of Indian National Trade Union Congress.
Shri Kiran Ch. Mitra, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their Order No. 6/1/64-LR.II, dated 24th January 1964, have referred the industrial dispute existing between the employers in relation to the Real Kajora Colliery and their workmen in respect of the following matters for adjudication to this Tribunal. The matters referred to for adjudication are:—

1. Whether Shri Bindyachal Singh was employed as Bill Clerk in the Real Kajora Colliery immediately before 29th October 1963 and whether he was entitled to be posted as Bill Clerk on the expiry of his leave? If so, whether the refusal of the management to employ him as Bill Clerk from 18th November 1963 was legal and justified? If the refusal of the employment is held not legal and justified, to what relief is the workman entitled?

2. Whether the management was justified in terminating the services of Shri Harbans Singh? If not, to what relief is the workman entitled?
3. Whether the management was justified in terminating the service of Shri Sanatan Mondal? If not, to what relief is the workman entitled?

2. In response to notices issued by the Tribunal, the Colliery Mazdoor Union representing the workmen (whom I shall hereafter refer to as the Union) and the management filed their respective written statements. The matter was then fixed for hearing when the Union examined the three concerned workmen as witnesses while the management did not examine any witness. Both parties however produced several documents in support of their respective cases.

3. The present reference relates to three workmen namely, Bindyachal Singh, Harbans Singh and Sanatan Mondal and I shall consider their cases one by one.

(I) *Bindyachal Singh*—

4. The Union's case is that this workman was employed in the colliery as a mining apprentice from 2nd October 1957. Sometime in 1961 he was appointed as a Mining Sirdar. The Union's further case is that from 17th March 1962 he was appointed as a bill clerk and worked as such till he went on leave from 9th October 1963. His leave was originally for ten days but he extended it due to illness. He came back in November and wanted to join his duty but he was not allowed to join and he was told that if he wanted to work as a Tub Checker he would be allowed to join duty as such. The Union alleges that this was wrongful because he was a bill clerk and could not be asked to work as a Tub Checker.

5. The employers' case is that this workman was originally an apprentice but later on he was appointed a Tub Checker and was paid wages as such and worked as such till he went on leave in October 1963. They deny that he was appointed bill clerk at any time and urge that the allegations in this connection are not true. The employers have further alleged in their written statement that there was complete disorder in this colliery before October 1963 and taking advantage of this, workman, with the help of his brother Banka Singh who was a Union leader, tampered with the register of employees and that when the present attorney took the said register in his custody, he found that the class of employment of this workman had been erased from the register without any initials; that in view of this dubious method resorted to by this workman, the management had lost all confidence in him. The management urge that they never stopped this workman from joining his duties as Tub Checker and that this workman had no right to work as a bill clerk where he had never worked before. Their action therefore refusing him a job of bill clerk was legal and justified.

6. It is thus an admitted fact that this workman Bindyachal Singh had joined the colliery as an apprentice and was later on taken up on a substantive post. According to the Union, he was appointed bill clerk from 17th March 1962; while, according to the management, he was appointed as a Tub Checker though the management have not given the date from which he was appointed as a Tub Checker. It is also an admitted fact that he was working in the colliery when he went on leave in October 1963. When he returned from leave, he was admittedly not allowed to work as bill clerk. It is also admitted that the management were prepared to allow him to work as a Tub Checker but the workman was not prepared to work as such because according to him he was a bill clerk and not a tub checker. Thus the only important question for consideration would be whether at the time when this workman proceeded on leave in October 1963, he was a bill clerk or a Tub Checker.

7. The workman concerned, Bindyachal Singh, has been examined as a witness and he has stated on oath that he was appointed as a bill clerk from 17th March 1962. He has further said that before this he was working either a mining apprentice or a mining sirdar but all along he was getting the same emoluments. In other words, so far as emoluments are concerned, he was getting the same amount whether he had been working as an apprentice or as a mining sirdar or as a bill clerk as alleged by him. The management's case, as I said above, is that this man was working as a tub checker. No witness has been examined on behalf of the management to show as to what work this workman was doing in the colliery before October 1963.

8. They however have produced their Establishment Registers of 1962 and 1963. This workman has been shown in these registers as a tub checker from

January 1962. It may however be noted that according to the management's own case as made out in their written statement, there was complete disorder in the colliery before October 1963. That would mean that even the management are not prepared to place much weight on their own documents or records. A workman working in a colliery does not ordinarily care to verify whether he is described in the register as a bill clerk or he is described as a tub checker. He is mainly concerned with his pay packet and so long the same amount as he had been getting all along is there, he would not care to know how he is described in the registers. In the circumstances, I am not prepared to place much weight on the designation of this workman as a tub checker in the establishment register of the colliery specially when there is other documentary evidence showing that this workman was working as a bill clerk.

9. The Union has produced a letter dated 17th March 1962 signed by the manager of the colliery which is to the following effect, "Sri Bindyachal Singh having been appointed as Bill Clerk, Real Kajora Colliery, is hereby authorised to work as Bill Clerk in the office with immediate effect. He is to please note that he will be governed by Mines Act and shall be acting as a Mining official and shall enjoy the rank of confidence". This letter signed by the manager of the colliery clearly shows that this workman was appointed as a bill clerk from 17th March 1962. Not only is this letter not an authorisation under any of the Mining Regulations; but it clearly mentions that the workman was appointed Bill Clerk and so was authorised to work as such.

10. We then find a letter of 18th April 1962 which is a certificate given by the manager to this workman. In this certificate, the manager has certified that Bindyachal Singh, "office clerk", had been working under him to his great satisfaction. The certificate also mentions that he was a trustworthy man and could be entrusted with responsible "office jobs". This certificate also shows that the workman was working as a clerk in the office and not as a Tub Checker.

11. It may then be noted that when this workman asked for leave in October 1963, he described himself as a bill clerk and this application was granted by the manager without objecting to the workman's designation given by him in the application. This workman returned from leave in November and at that time he produced a medical certificate before the manager and also gave a letter to the manager reporting for duty. This letter was produced by this management after the arguments were over. In this letter the workman has described himself as a bill clerk. The letter however bears an endorsement from the Manager, "as per your designation of tub checker, you may join your duty as tub checker from to-day". It is important to note that the manager has not come in the witness box to say as to what duties this workman was performing before he went on leave in October 1963. Even the endorsement does not show that this workman was working as a tub checker; but it only says that that was his designation. It is also important to note that according to the written statement of the management, the present attorney took charge of the management in October 1963 before which there was chaos. Probably therefore he started insisting on people working according to their designations as given in the registers of the colliery. As I mentioned above, the designations in the registers cannot be taken to be conclusive. The best evidence should have been the evidence of the manager in this respect. But he has not been examined. Merely because the register showed and described a workman as tub checker, it would not mean that he had been a tub checker all along, especially when there is a specific letter of the Manager showing that the workman had been appointed Bill Clerk.

12. In this connection, I may also refer to a letter dated 31st January 1961 written by the manager to this workman mentioning *inter alia* that their records showed that he was being paid as tub checker in the payment records but from the bill register it was found that he was a mining apprentice and asked this man to let the manager know whether he wanted to continue as a mining apprentice or as a tub checker. It does not appear as to what reply, if any, this workman gave to this letter. This letter however does show that even in 1961 this workman was described as tub checker in the payment register and as a mining apprentice in the bill register. This means that registers of the colliery could not be taken to be conclusive and hence his description as tub checker in the payment register does not necessarily mean that he was working as a tub checker.

13. Shri Sultania who appeared for the employers argued that this workman had not written anything in the bill register and this shows that he had never worked as a bill clerk. In support of this, he produced a bill register which is for the year 1963. This register was produced during his arguments, that is, at a very late stage. Not only had hearing of evidence been completed, but

arguments of the Union had also been heard. Naturally, the Union had no opportunity to meet this case or give any explanation about this. Again, this register is for a limited period and has also not been proved. In the circumstances, I do not place any reliance on it.

14. On the whole, from the evidence led by the Union, there can be no doubt that the workman was working as a Bill Clerk. His oral evidence in this connection is supported by the above letter of the manager. Even when he went on leave he described himself as bill clerk. When returning from leave also, he described himself as a bill clerk and at that time the only thing the manager appears to have done is to have stated that his "designation" was as a tub checker and he would be allowed to join as a tub checker. I might repeat that the manager has not been examined as a witness and in all these circumstances I hold that this workman was working as a bill clerk when he proceeded on leave in October 1963.

15. When he returned from leave, he was entitled to work in old post of a bill clerk. He was however not allowed to do so; he was offered the job of a tub checker which was not proper. No action was taken after this and the workman approached the Union who took up the matter with the Conciliation Officer. There was a failure of conciliation and thereupon Government referred the matter to this Tribunal for adjudication on 24th January 1964. It was after this that the management wrote a letter to this workman on 30th January 1964 to the effect that he had been absenting himself from 18th November 1963 without taking leave which was serious misconduct according to the standing orders. The workman was directed to explain in writing why disciplinary action should not be taken against him. On 2nd February 1964 the workman replied to this letter saying that he was working as a bill clerk and not as a tub checker and the management had not allowed him to work as a bill clerk from 18th November 1963 and hence it could not be said that he was absent without leave. In my opinion, the action of the management in refusing to allow this workman to join as a bill clerk from 18th November 1963 was wrongful and it must be held that he was entitled to join as a bill clerk. He must therefore be ordered to be taken up as a Bill Clerk and paid his back wages as bill clerk from 18th November 1963. Of course, there will be continuity of service also.

(II) Harbans Singh—

16. I now come to the case of the second workman Harbans Singh. According to the Union's case, this workman joined the colliery on 15th June 1959 as a tub checker; he was then employed as electric helper from 1st February 1960 and finally as temporary electrician from 8th May 1963. On 18th November 1963 a letter was given to him stating that his services were not required from that date and he was thereupon discharged. The employers' case is that Harbans Singh was working as an apprentice from 7th July 1959 and was appointed as an Assistant Electrician from September 1963. They say that he was paid as an apprentice upto June 1963 and that from 7th May 1963 he was given temporary authorisation for working as an Assistant Electrician and was paid accordingly. They further allege that it was found that some entries in the books were altered taking advantage of the chaotic condition of the colliery and the management lost confidence in this workman and terminated his service with effect from 18th November 1963 in terms of the standing orders.

17. The workman has been examined as a witness and he has stated *inter alia* that he was working as a tub checker from 15th June 1959; that he was asked to work as electric helper from 1st February 1960; and that from 8th May 1963 he was authorised to work as a temporary electrician. He has also said that his total emoluments before 8th May 1963 were either Rs. 60/- or Rs. 55/- per month and were paid to him by taking his signatures on vouchers and not in the Payment Register, but that from July 1963, he was paid at the rate of Rs. 48.75 per month as basic salary and he was also paid other usual allowances and that the payments were made taking his signatures in the Payment Register.

18. The Union has produced a letter signed by the manager of the colliery on 18th April 1962 certifying that this workman had been working as electric helper for about 2½ years. They have also produced an authorisation dated 8th May 1963 showing that he was appointed as a temporary electrician from that date. On the other hand, the employers have produced three vouchers, the first two showing that he was paid total emoluments of Rs. 55/- per month for the months of February 1963 and March 1963 respectively, and the third showing that he was paid Rs. 110/- as his emoluments for the months of June

and July 1963. The workman has denied his signature on this last voucher but he has admitted his signatures on the first two vouchers. In both these vouchers, he has been described as electric apprentice.

19. The employers have further produced an application for leave signed by this workman in May 1962 and in this application he has been described as electric apprentice. The workman's explanation is that this application was written by some clerk in the office and he could not explain as to how he was described as electric apprentice.

20. The employers have then produced an application said to have been given by this workman on 26th July 1963 for the post of an electrician and this application purports to bear an endorsement by the managing trustee of the employers that the person should be engaged on a consolidated salary of Rs. 75/- per month and also that he would be temporary for six months. Another letter which the employers have produced is a letter of 10th September 1963 which purports to be a carbon copy of a letter addressed by the manager to this workman mentioning that he was appointed as electrician on a basic pay of Rs. 48.75 on a temporary basis; that he would be on probation for six months and that during this period his services could be terminated at any time without any previous notice. The workman on being questioned denied his signatures on these two letters. There is no evidence that these signatures are of the workman concerned. The manager has not been examined nor has anyone else stated that these signatures are of this workman. Further, the appointment letter is contrary to the endorsement made on the application in that the endorsement was to the effect that he was to be offered a consolidated pay of Rs. 75/- per month whereas the appointment letter shows that he was to get a basic pay of Rs. 48.75. In view of this, I would not place any reliance on these two letters.

21. So far as the two vouchers and the leave application in which the worker has been described as an apprentice are concerned, I would normally not place much reliance on them to show that the person was really an apprentice. As I mentioned above, when a workman receives payment he is concerned with the money he gets and may not care to know how he is described therein. Similarly, he may not care to see how he has been described in his leave application. The fact however remains that admittedly this workman was getting total emoluments of only Rs. 55/- or Rs. 60/- per month till at least May 1963 and he was being paid these amounts by taking his signatures on vouchers and not by taking signatures in the payment register. This would go to show that he must then be an apprentice and not a regular employee. If he was a regular worker, the payments would have been made by taking signatures in regular register and not through vouchers. Again, in such a case, his emoluments would have been much more than Rs. 55/- or Rs. 60/-. These two facts would clearly indicate that till May 1963 he must have been working as an apprentice only.

22. This however is not material for the purposes of this case. It is an admitted fact that in May 1963 he was appointed as an Electrician or Assistant Electrician and his name was entered in the payment register as such. His services were terminated in November 1963 without giving any reason or without giving any notice. The written statement of the employers mentions that they had lost confidence in this man and therefore they terminated his services in terms of the Standing Orders. The Standing Orders have not been produced before me and I am not in a position to know whether the employers had a right to terminate the services of a worker like this without giving him any notice or without framing any charge-sheet against him. It may be noted that according to the written statement of the employers, they terminated his services because they had lost confidence in him (as he is said to have got entries in the books of the colliery altered).

23. It was urged that according to the letter of appointment of this person, he was appointed on probation and during this period his services were liable to be terminated without any previous notice. As I mentioned above, the employers have produced a carbon copy of the alleged letter of appointment with the alleged signature of the workman on it. The workman has however with the signature. There is no evidence to show that this signature is his. As I mentioned earlier, I do not place any reliance on this letter.

24. The position therefore is that this workman was appointed as an Electrician or Assistant Electrician in May 1963 and his services could not be terminated without notice and he could not be discharged from service without framing a charge-sheet against him or in any case without giving him due notice. In my opinion, therefore, termination of this workman's services is not proper or justified and hence he must be reinstated in his service with continuity of service and

paid all back wages. Of course, it will be open to the employers to take such action as they think fit after complying with the necessary formalities etc.

(III) *Shri Sanatan Mondal*—

25. This brings me to the case of third and last workman named Sanatan Mondal. According to the Union's case, this workman was appointed as electric helper from 1st June 1958. It is said that he was then getting emoluments at the rate of Rs. 3/7/0 per day. He was then said to have been appointed as a Pump Khalasi in 1960 and a Haulage Khalasi in 1961 on the same wages as before. He is then said to have been appointed as an acting electrician from October 1962 and his total emoluments were then fixed at Rs. 55/- per month. His services were admittedly terminated by giving him a notice on 18th November 1963.

26. The employers' case is that this workman was serving as an apprentice; that he was on occasions temporarily authorised to work as helper but he never got any substantive job and the employers were therefore justified in terminating his services in terms of the Standing Orders.

27. In support of their case, the Union have examined the workman and have produced certain documents. In his deposition, the workman says that he was appointed in the colliery as an electric helper in 1958 and at that time he was paid wages at the rate of Rs. 3/7/0 per day. He has further said that he was appointed as Pump Khalasi and Haulage Khalasi in 1960 and 1961 respectively and even then he was getting wages at this rate. Lastly, he has said that he was appointed as an Assistant Electrician in October 1962 and at that time his total salary was fixed at Rs. 55/- per month and he was getting this salary till the date of his discharge.

28. The documents which are produced on behalf of the Union regarding this workman consist of four letters of authorisation in favour of this workman and two certificates given to him by the then manager. The letters of authorisation are dated 25th November 1960, 3rd July 1961, 13th December 1962 and 2nd October 1963 respectively. Under the first of these letters of authorisation, this workman was authorised to work as Pump Khalasi; under second letter of authorisation he was authorised to work as Haulage Khalasi; under the third, he was authorised to work as acting electrician for 5 days from 13th December 1962 and under the last, he was authorised to act as an electrician for 3 days. These letters of authorisation are meant for giving authority to people to work as competent persons as required by the Coal Mines Regulations. Such authorisations do not necessarily mean that these persons are holding those substantive posts. If a person who is working substantively as a competent person is on leave, some one else would have to be authorised to work as competent person under the Coal Mines Regulations. In my opinion, these letters of authorisation are of this type. The last two letters give authorisation for five and three days only. The letters do not necessarily mean that this man was appointed substantively either to the post of Pump Khalasi or Haulage Khalasi or Electrician.

29. It may be noted that admittedly this workman was getting Rs. 55/- per month only. No doubt he says that between 1958 and 1962, he was being paid Rs. 3/7/0 per day but there is nothing to substantiate this allegation. Again, if he was getting wages at the rate of Rs. 3/7/0 per day, there is no reason why he should accept job where his total emoluments would be reduced to Rs. 55/- per month. It is quite likely that the man may have been acting occasionally as electric helper and for the days on which he acted as such, he must have been paid Rs. 3/7/0 per day. That does not mean that he was holding that post substantively.

30. Admittedly, this person was getting total emoluments of Rs. 55/- per month at least from October 1962 and he was being paid this amount by vouchers and not by taking signatures in the payment register. These facts, namely that he was getting total emoluments of Rs. 55/- per month and the further fact that payments were being made to him by means of vouchers and not through Payment Register, would clearly indicate that he was only an apprentice and that he was not holding any substantive post. He was thus only a learner; he had no permanent post or claim to any permanent post. The employers had therefore every right to terminate his services whenever they thought it fit. I do not think that the worker was entitled to any notice or notice pay. He is therefore not entitled to any relief.

31. In the result, I hold that Bindyachal Singh was employed as Bill Clerk before 29th October 1963 and he was entitled to be posted as such on the expiry

of his leave. I further hold that the refusal of the management to employ him as Bill Clerk from 18th November was not proper or justified and the management are directed to reinstate this workman as a Bill Clerk and pay him wages as such from 18th November 1963. The period of his leave will not count as break in service and he will be treated to be in continuous service. I further hold that the management was not justified in terminating the services of Shri Harbans Singh and they are directed to reinstate him in his job with continuity of service and with payment of back wages. I lastly hold that the management were justified in terminating the services of Shri Sanatan Mondal and he is not entitled to any relief.

Lastly I direct that the employers should pay Rs. 100/- as costs to the Union.

I pass my award accordingly.

Sd.- L. P. DAVE,
Presiding Officer.

The 4th May 1964.

[No. 6/1/64-LR.II.]

S.O. 1768.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bhulanbararee Colliery of Messrs. Bhulanbararee Coal Company Limited, Post Office Patherdih (District Dhanbad) and their workmen, which was received by the Central Government on the 8th May 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947).

REFERENCE NO. 26 OF 1964

PARTIES:

Employers in relation to the Bhulanbararee Colliery of Messrs. Bhulanbararee Coal Company Limited, P.O. Patherdih, District Dhanbad

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers: Sri J. N. P. Sahi, Group Labour Officer.

For the Workmen: Sri M. Sen, General Secretary, Bhulanbararee Coal Company Workers' Union.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 2nd May, 1964

AWARD

Ministry of Labour & Employment, Government of India, by its Order No 2/93/63-LR.II, dated the 29th February 1964 referred under Section 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication an industrial dispute existing between the Employers in relation to Bhulanbararee Colliery of Messrs. Bhulanbararee Coal Co. Ltd. and their workmen in respect of the matters specified below:—

“Whether the management of Bhulanbararee Colliery of Messrs. Bhulanbararee Coal Company Limited, Post Office Patherdih, District Dhanbad are justified in changing system of payment of wages in the case of the trammers from time rate to piece rate with effect from the 10th June, 1963 and whether the piece rates fixed by the management are proper? If not, to what relief are the workmen entitled and what should be the piece rates for both underground and surface trammers?”

2. None of the two parties have filed so far their respective written statements although the workmen have taken time twice for filing written statement. Both the parties however appeared today (2nd May 1964). The management was represented by Sri J. N. P. Sahi, Group Labour Officer of the Company and the workmen were represented by Sri M. Sen, General Secretary of the Bhulanbararee Coal Company Workers' Union and they filed a joint petition of compromise setting forth therein their agreed minutes and prayed that an award in terms of the said compromise be passed. They stated further in para 2 of the compromise petition that the change from piece-rated to time-rated in respect of all the trammers made under this agreement will come into force with effect from 4th May 1964.

3. I have read the terms of compromise and I find that they are very fair and reasonable and in the interest of both the parties and therefore I accept the same.

4. The reference is accordingly answered by passing an award in terms of the petition of compromise dated 1st May 1964 which is marked Annexure 'A' and made a part of this award as jointly prayed for by the parties.

5. This is the award which I make and submit to the Government of India under Section 15 of the Act.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;
The 2nd May, 1964.

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT DHANBAD

IN THE MATTER OF REFERENCE NO. 26 OF 1964.

PARTIES:

Employers in relation to Bhulanbararee Colliery,

AND

Their Workmen.

The humble Petition on behalf of the above-mentioned Parties most respectfully states that the above Reference has been amicably settled between the parties on the following terms:—

- (1) That without prejudice to the contentions of the parties, it has been agreed that the Employers in respect of all underground and surface trammers will change the present system of payment of wages in cases of all trammers from price-rate to time-rate (according to the wage rates/categories fixed under the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the Decisions of the Labour Appellate Tribunal of India) as existed before the 10th June, 1963. These trammers will be also allowed benefit of annual increment from 1st June 1963 as far as entitled.
- (2) That the above change from piece-rate to time-rate in respect of all trammers will come into force with effect from the 4th May, 1964.
- (3) That the parties will bear their own cost of respective proceedings.

It is, therefore, humbly prayed that the present proceedings may be disposed of on the terms aforesaid and an Award may be passed in terms thereof.

And for this you Petitioners as in duty bound shall ever pray.

For Workmen:

Sd./- M. SEN,
General Secretary,
Bhulanbararee Coal Co.
Workers' Union.

Sd./- D. N. SINGH,
Assistant Secretary,
Bhulanbararee Coal Co.
Workers' Union.

For Employers:

Sd./- D. N. MEHRA,
Agent,
Bhulanbararee Coal Co. Ltd.

Sd./- J. N. SAHI,
Group Labour Officer.

The 1st May, 1964.

[No. 2/93/63-LR.II.]

S.O. 1769.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Kendwadih Colliery, Post Office Bhaga, and their workmen which was received by the Central Government on the 8th May 1964.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 47)

REFERENCE NO. 11 OF 1963

PARTIES:

Employers in relation to the Kendwadih Colliery, P.O. Bhaga

AND

Their workmen.

PRESENT:

Sri Raj Kishore Prasad, M.A., B.L.,—Presiding Officer.

APPEARANCES:

For the Employers: Sri O. P. Varma, Chief Personnel Officer.

For the workmen: Sri P. B. Choudhury, Branch Secretary, Colliery Staff Association.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 31st March 1964

AWARD

Ministry of Labour & Employment, Government of India, by its Order No. 2/4/63-LRII dated the 24th January, 1963, referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the Kendwadih Colliery and their workmen, to this Tribunal for adjudication in respect of the following item of dispute;

"Whether the dismissal of Shri Ramjan Mia, Night Guard by the management of Kendwadih Colliery was justified. If not, to what relief is he entitled?"

2. The management on 13th January 1964 filed its written statement dated 4th January 1964. The case of the management was that during the duty hours of the workman concerned in the night shift of 30th June 1961 at about 2.30 A.M. one pole with total length of about 26 feet costing about Rs. 200/- was stolen due to his negligence as it was his responsibility as night guard to see that it was not stolen; that a preliminary enquiry was immediately held on 1st July 1962 on the basis of which a charge sheet was issued to the workman concerned for negligence of duty causing loss to the management; that the workman concerned submitted his explanation on 4th July 1962 and later a domestic enquiry was held on 16th July, 1962 and 17th July 1962 in the presence of the workman concerned in which he actively participated by examining witnesses in defence; that at the said departmental enquiry the misconduct of the workman concerned was proved and therefore he was dismissed by a letter dated 30th July 1962 and as such, the dismissal of the workman concerned was justified and bona fide and he was not entitled to any relief.

3. The workman filed his rejoinder through his Union, Colliery Staff Association, on 24th February 1964 in which his case was that his dismissal was due to victimisation, because he was a member of the Colliery Staff Association, which was not recognised by the management; that the charge of negligence on his part was false and that no offence of misconduct had been committed by him; that the domestic enquiry was not fair and the enquiring officer was himself in doubt and was not definite regarding the offence alleged to have been committed by him (the concerned workman).

4. The case was taken up for hearing on 27th March, 1964. The management was represented by Shri O. P. Varma and the concerned workman was represented by Sri P.D.B. Choudhury, Branch Secretary of the Union. The management examined one witness, namely, Shri B. N. Singh, Personnel Officer, as M.W.I. and the workman examined himself only as W.W.I. The workman filed no document but the management filed documents which were marked Exts. M to M 19.

5. The peculiarity of the domestic enquiry held regarding the charge sheet dated 1st July 1962, Ext. M. 1, issued to the workman is that *no witness on behalf of the management was examined at all*. What was done at the final enquiry was that at the very commencement of the final enquiry the statement of the concerned workman was recorded and he was cross examined at length by the enquiry officer himself. These facts will appear from Ext. M. 4. Even at the preliminary enquiry on 1st July, 1962 no witness on behalf of the management was examined. Only the workman was examined and cross examined at length by the enquiry officer. These facts will appear from Ext. M.

6. The facts of the case are also very peculiar, as will appear from the recitals of the facts given hereinafter.

On 5th May, 1962 a charge sheet Ext. M. 18, which was the *first charge sheet* was served on the concerned workman for his alleged negligence of duty for allowing the theft of two lengths of 2" diameter water pipes on 3rd May, 1962. Ext. M.19. shows that on 28th May, 1962 an enquiry was fixed into this first charge sheet Ext. 18, but there is nothing on record to show as to what happened at the said enquiry.

On 1st July, 1961 a second charge sheet, Ext. M.1., which is the charge sheet under consideration, was issued to the concerned workman and it resulted in the dismissal of the workman concerned was concerned. In the said charge sheet Ext. M.1. it was stated that in the preliminary enquiry the workman concerned had accepted that theft was committed during his duty hours on 30th June, 1962 of one pole worth about Rs. 200 at about 2-30 a.m. during his duty hours. By this charge sheet Ext. M.1. the concerned workman was asked to show cause why disciplinary action should not be taken against him as this negligence in duty was a serious misconduct which amounted to violation of clause 27(6) of the Standing Orders. This charge sheet Ext. M.1. was issued after and on the basis of the preliminary enquiry held on 1st July, at which, as I stated before no witness on behalf of the management was examined, but only the statement of the workman concerned was recorded and he was cross examined at length by the Enquiry Officer as will appear from Ext. M. Into this second charge sheet Ext. M.1. final domestic enquiry was held on 16th July, 1962 and 17th July, 1962, at which also at the commencement of the final enquiry, as stated earlier, only the workman was examined and cross-examined at length by the Enquiry Officer as will appear from Ext. M.4. and thereafter, his defence witnesses were examined, whose statements are Exhibits M.5. to M.12. The Enquiry Officer submitted his report on 19th July, 1962 Ext. M.3.

On the same date, that is, on 19th July, 1962 a *third charge sheet* was issued Ext. M.14. against the workman for an occurrence on 18th July, 1962 at which there was theft of 4 length rails worth of Rs. 60/-, for which he was suspended pending enquiry into this charge sheet. Ext. M.14. No further enquiry was held into this third charge sheet Ext. M.14. as on 30th July, 1962 a letter of dismissal was issued Ext. M.13. to the workman concerned, and, therefore, the workman was informed by letter of 16th August, 1962 Ext. M.15 that since the decision was taken on the basis of the second charge sheet Ext. M.1. he will be paid wages for the period he was under suspension.

On 20th August, 1962 the workman made a representation to the manager against the second and third charge sheets and challenged the dismissal on the basis of the second charge sheet as will appear from Ext. M.16, to which a reply was sent on 3rd October, 1962 Ext. M.17 that his representation had been rejected.

7. On the above facts, therefore, the first question which arises for determination is whether the aforesaid domestic enquiry into the second charge sheet Ext. M.1. was proper and legal and whether the Enquiry Officer found him guilty.

As regards the *domestic enquiry* itself, as stated earlier, it was a peculiar enquiry which commenced with the examination and cross examination of the workmen concerned by the Enquiry Officer, and, before any witness for the management was examined at all. It was said on behalf of the management that in a case like the present the management could not possibly examine any witness as at the time of the alleged occurrence, only the workman was present and none else. It is true that at the time of the occurrence only the workman was present and, thereafter, his defence witnesses came. But before extracting a short of confession from the workman at the preliminary enquiry Ext. M. and later at the final enquiry Ext. M.4 that the theft took place when he was on duty which was admitted and not denied, it was the duty of the management to consider the circumstances in which the workman was placed and which could amount to his negligence. But those circumstances

have not been taken into consideration by the Enquiry Officer at all. At the preliminary enquiry the workman stated, as will appear from Ext. M, that when the thieves came he challenged them and asked who was there on which the thieves replied 'come and see who are here'. And when they started throwing brickbats the workman concerned started raising alarm 'chor chor' on which Ganesh was the first man to come. He further said, on being cross examined by the Enquiry Officer in answer to his question, that these thieves began to say that when he will get down then "*Salah bhala mardenge*". He further, said that he raised alarm but no one came, and when the thieves went away carrying the poles, others arrived at the place. He is supported by the statement of the defence witness Ext. M. 6. Uramat Ali, who said he heard the noise 'Chor Chor', and when he came to the pit head bath he found Sheopujan Singh, standing in front of the pit head bath and on enquiry Sheopujan Singh said that the voice is that of Ramzan Mia, the workman concerned. When the thieves went away the workman shouted *Chor chalegaya*. The defence witness Ganesh Ext. M. 9 who came first on the alarm of the concerned workman after cleaning the car in the 'garage', admitted there was shout of *Chor Le Gaya*. In his reply to the charge sheet Ext. M. 1, which he filed on 4th July, 1962, Ext. M. 2, the concerned workman said that the thieves threatened him and as he was alone in that lonely place, in order to save his personal life and to avoid serious injury to his person he only raised *hullah*. His defence, therefore, was that place in such a perilous situation it was not possible for him to challenge the thieves single handed and resist, them from taking away the poles. That being the situation and there being no evidence to the contrary, and the evidence of the workman that he shouted *Chor Chor* being supported by the evidence of Uramat Ali, Ext. M. 6, it cannot be said that the workman concerned was guilty of neglect of duty.

Furthermore, even the enquiry officer has not come to the definite conclusion on this question and found the workman guilty of the charge. What he has said in his report Ext. M-3 may be quoted below:

"Thus on going through the papers of enquiry (i.e. the statements of the persons concerned) and the reply to the chargesheet I came to the conclusion that one pole of pipes of total length of 26' have been stolen from the No. 18 seam Incline during the duty hours of Sri Ramjan Mia, Night Guard. Sri Ramjan Mia did not see when the above pole was stolen away. When he saw that one pole was missing then he shouted that thieves have taken away the pole. He made the shouting at about 2-30 A.M. when he did not find the pole. He did this for with purpose that persons should know that Ramjan Mia was alert on his duty. This happened in the night of 30th June, 1962. From this I came to the conclusion that either he was not present on his duty or if he was present on duty he was sleeping. Thus due to his negligence on his duty the above pole was stolen. I find him guilty of the charges levelled against him."

From the above quotation it is clear that he has relied more on his own surmises than on the evidence for his finding (1) that the workman did not shout when the above mentioned poles were taken away by the thieves ignoring the evidence of the workman Ext. M. 4 and his defence witness Ext. M-6, (2) that when he saw that one pole was missing he shouted that thieves have taken away the pole, ignoring the evidence again of the workman Ex. M. 4 and of his defence witness Ext. M. 6, (3) that he made the shouting at about 2-30 A.M. when he did not find the pole, (4), that he did this only with the purpose of drawing attention of persons that he was alert on duty.

From the above facts, which are based on no evidence, rather are against the evidence, the Enquiry Officer came to the conclusion that either the workman concerned was not present on his duty or if he had been on duty he was sleeping, otherwise the poles would not have been stolen by the thieves, and therefore, this definitely was due to the negligence of duty of the workman concerned.

8. In my opinion, therefore, the enquiry cannot be said to be legal, fair and proper and the finding of the Enquiry Officer cannot be said to be definite finding and legal, supported by evidence, when he has not taken into consideration the evidence, facts and circumstances referred to earlier by me. His finding is rather perverse being against the evidence.

9. Moreover, the fact that successively three charge sheets, one after another, were served on the workman concerned, in my opinion, very much supports the case of the workman that the management was determined to get rid of him, because he was a member of the un-recognised union, and, for that reason, on

some pretext or other, successive charge sheets of the same nature in the course of about 3 months were served on him. I would, therefore, accept the defence that the dismissal of the concerned workman was by way of victimisation.

10. There is another aspect also, which I like to mention. The charge sheet dated 1st July, 1962, Ext. M. 1 shows that it was a charge for violating standing Order No. 27(6). The company's standing orders have not been filed and it was stated on behalf of the management that the company has not got its own standing orders. In the circumstances, the standing orders for the Coal Mining Industry would obviously apply to the present case. Para 27(6) speaks of 'habitual negligence or neglect of work,' to denote misconduct for which an employee may be dismissed, if found guilty of misconduct. In the letter Ext. M. 13 dated 30th July, 1962, it is mentioned that in the past he was suspended for similar offence. In order to prove habitual negligence management put in three charge sheets, namely, first dated 5th May, 1962, Ext. M. 18, second dated 1st July, 1962, Ext. M. 1, which is under question, and third dated 19th July, 1962, Ext. M. 14. But there is no finding that the habitual negligence has been proved at all and that the workman has violated para 27(6) of the Standing Orders. It is true that the word 'habitual' negligence is not mentioned in Ext. M. 1 under which the workman has been dismissed. But neglect of duty must be proved and on the facts and circumstances of the present case it cannot be said the workman was guilty of neglect of duty. Being alone in the lonely night and at a lonely place and faced with a number of thieves, who were threatening his life, how could he challenge them and chase them single handed. The fact that he raised the alarm of *Chor Chor* shows that he was awake but as no one came on his shouting he could not prevent the thieves from carrying away the poles and when they carried away he cried again *Chor le-gava*. For these reasons, even neglect of duty has not been established. In this view also, when misconduct under para 27(6) of the standing orders has not been proved, I do not think the workman can be dismissed at all.

10. For the reasons given above, I would, therefore, answer the reference by holding that the dismissal of the workman concerned, Shri Ramjan Mia, Night Guard, by the management of Kandwadih Colliery was not justified, and, therefore, he was entitled to be reinstated with full back wages with effect from 30th July, 1962, from which date he was dismissed.

11. This award must be implemented within one month from the date the award becomes enforceable under Section 17A of the Act after its publication under Section 17 of the Act.

12. This is the award which I make and submit to the Government of India under Section 15 of the Act.

DHANBAD,

31-3-1964.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Govt., Industrial Tribunal,
Dhanbad.
[No. 2/4/63-LR.II.]

ORDERS

New Delhi, the 12th May 1964

S.O. 1770.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ardhogram Khas Colliery, Post Office Ardhogram, District Bankura and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Ardhogram Khas Colliery was justified in refusing employment to Sarvashri Panchkori Bowri and Gopal Bowri (No. 2)

pick miners from or about the 24th February 1964 and subsequently dismissing the said workmen? If not, to what relief are the workmen entitled?

[No. 6/30/64-LRII.]

S.O. 1771.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sinidih Colliery of Messrs Sinidih Colliery Concern (Private) Limited, Post Office Katrasgarh (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed; And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the management of the Sinidih colliery of Sinidih Colliery Concern (Private) Limited, Katrasgarh was justified in declaring 18th December 1963 as an unpaid holiday for all the workmen of the colliery?
- (2) If not to what relief are the workmen entitled?

[No. 1/12/64-LRII-I.]

S.O. 1772.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sinidih Colliery of Messrs Sinidih Colliery Concern (Private) Limited, Post Office Katrasgarh (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the management of the Sinidih Colliery of Messrs. Sinidih Colliery Concern (Private) Limited, Katrasgarh (Dhanbad), was justified in terminating the services of Shri Sukar Barhi, with effect from 1st January 1964?
- (2) If not, to what relief the workman entitled?

ORDERS

[No. 1/12/64-LRII-II.]

New Delhi, the 15th May 1964

S.O. 1773.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Limited Kothagudem and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, Whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Dr. Mir Siadat Ali Khan as the Presiding Officer with headquarters at Somajiguda, Hyderabad, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether in view of the actual nature of duties performed by 1. R. V. R. Paulson, 2. Devdattan, 3. Shankar Singh, 4. Raghunath Sastri, 5. Sheik Mohinuddin and 6. Gajula Krishna, watchmen of Service and protection Corps Establishments at Kothagudium of Singareni Collieries Company Limited, their demand for appropriate clerical scale of pay is justified. If so, to what relief are they entitled and from which date?

[No. 7/16/63-LR.II]

S.O. 1774.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Sijua Colliery of Messrs Tata Iron and Steel Company Limited was justified in dismissing Shri Inderdeo Bhar, Miner (T. No. 51653) with effect from the 30th January 1964; if not, to what relief is the workman entitled?

[No. 2/43/64-LR.II]

A. L. HANDA, Under Secy.

New Delhi, the 13th May 1964

S.O. 1775.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrator of the Union territory of Pondicherry shall, subject to the control of the President and within his territory, exercise the powers and discharge the functions, of—

- (1) the Central Government under sub-section (4) of section 1 and clause (b) of sub-section (3) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the appropriate Government under—
 - (a) the proviso to sub-section (5) of section 1, section 8, sub-section (3) of section 14, section 14B, sub-section (1) of section 17 and the proviso to sub-section (2) of section 17 of the said Act, and
 - (b) explanation to sub-clause (ii) of clause (f) of paragraph 2 (as substituted by clause 2 of paragraph 80), explanation to sub-clause

(iv) of clause (f) of paragraph 2 and sub-paragraph (1) of paragraph 27A, of the Employees' Provident Funds Scheme, 1952.

[No. 13(2)64-PF-II.]

P. D. GAIHA, Under Secy.

New Delhi, the 14th May 1964

S.O. 1776.—In exercise of the powers conferred by section 8 of the Minimum Wages Act, 1948 (11 of 1948) read with clause (ii) of rule 3 of the Minimum Wages (Central Advisory Board) Rules, 1949, the Central Government hereby nominates the following persons from among the States included in each of the Northern, Central, Eastern, Western and Southern Zones, as independent members of the Central Advisory Board constituted by the notification of the Government of India in the Ministry of Labour and Employment No. LWI-I-6(15)/58, dated the 17th November, 1959, and makes the following amendments in the said notification, namely:—

In the said notification, under the heading "Independent Members", for items 2. to 6, the following items shall be substituted, namely:—

- "2. Shri Gangesh Misra, Labour Commissioner, Delhi.
3. Shri J. N. Tewari, Labour Commissioner, Kanpur.
4. Shri D. P. Tripathy, Labour Commissioner, Cuttack.
5. Shri D. G. Kale, Labour Commissioner and Director of Employment, Framji Cowasji Institute Building, Dhobi Talao, Bombay 2.
6. Shri H. L. Lingaraj Urs, Deputy Secretary to the Government of Mysore, PH Labour and Municipal Administration Department, Bangalore".

[No. LWI-I-6(1)/64.]

R. M. DOIPHODE, Dy. Secy.

ORDER

New Delhi, the 12th May 1964

S.O. 1777.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Canara Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether having regard to the directions contained in the Award dated 21st July, 1962 of the National Industrial Tribunal (Bank Disputes), Bombay, published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2603, dated the 7th August 1962, the quantum of bonus paid by the management of the Canara Bank Limited to their workmen in respect of the year 1962 was inadequate? If so, to what relief are the workmen entitled?

[No. 51(28)/64-LRIV.]

O. P. TALWAR, Under Secy.

MINISTRY OF PETROLEUM & CHEMICALS*New Delhi, the 11th May 1964*

S.O. 1778.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from drill sites to collecting stations within the Ankleshwar Oil Field in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any persons interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority at Elampeco, 4th Floor, Sayaji Ganj, Baroda, in the office of the Gujarat Pipeline Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE**State : GUJARAT****District : BROACH****Taluka : ANKLESHWAR**

| Village | Survey No. | Acre | Gunta | Sq. Yds. |
|------------|------------|------|-------|----------|
| Umarwada | 412/2 | 0 | 0.5 | 0 |
| " | 412/1 | 0 | 3.7 | 0 |
| " | 413 | 0 | 1.5 | 0 |
| " | 466 | 0 | 1.5 | 0 |
| " | 408/2 | 0 | 3.7 | 0 |
| " | 408/1 | 0 | 3.5 | 0 |
| " | 406 | 0 | 0.5 | 0 |
| " | 407/2 | 0 | 4.3 | 0 |
| " | 403/2 | 0 | 3.8 | 0 |
| " | 403/1 | 0 | 2.0 | 0 |
| " | 389/1 | 0 | 3.0 | 0 |
| " | 388 | 0 | 2.8 | 0 |
| " | 387 | 0 | 4.5 | 0 |
| " | 372 | 0 | 6.0 | 0 |
| " | 373 | 0 | 0.5 | 0 |
| " | 270 | 0 | 4.4 | 0 |
| " | 271 2 | 0 | 1.1 | 0 |
| Additional | 624 | 0 | 1.5 | 0 |
| " | 625 | 0 | 2.7 | 0 |
| " | 42/3 | 0 | 2.3 | 0 |
| " | 41/3 | 0 | 0.8 | 0 |
| Hajat | 188 | 0 | 2.0 | 0 |

[No. 31/67/63-ONG.]

S.O. 1779.—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2386 dated the 9th August, 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. Nos. 3437 and 301 dated the 5th December 1963 and 18th January, 1964 respectively, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines,

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State: UTTAR PRADESH

Tahsil: ZAMANIA

District: GHAZIPUR

| Village | Survey No. | Extent B. B. B. |
|---|-------------|--------------------|
| 1. Magarkhai | 199/1 | 0 2 2 |
| 2. Harkaran Pur | 49/2 432 | 0 2 0 0 1 10 |
| 3. Sultan Pur Alia Bhagwan Pur | 1096/1 | 0 2 0 |
| 4. Jagwal | 258 | 0 3 10 |
| 5. Seorai | 1781/1 | 0 0 5 |
| 6. Sikandar Pur | 681 1099 | 0 1 10 0 3 10 |
| 7. Kusi | 522/3 | 0 4 0 |

[No. 31/50/63-ONG.]

S.O. 1780.-Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 3103 dated the 21st October, 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. No. 305 dated the 18th January, 1964, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State: UTTAR PRADESH

Tahsil: ZAMANIA

District: GHAZIPUR

| Village | Survey No. | Extent B. B. B. |
|-------------------|--|---|
| 1. Usia | 1675/1 3410 3411 8970/1 14885 15007 | 0 8 10 0 9 10 0 1 12 0 0 10 0 2 0 0 3 10 |

[No. 31/50/63-ONG.]

S.O. 1781.—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2140 dated the 6th August, 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. No. 3588 dated the 20th December, 1963, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State : BIHAR

District : SANTHAL PARGANAS

Thana : DEOGHAR

| Village with Thana No. | Survey No. (Plot No.) | Extent (in acre) | Village with thana No. | Survey No. (Plot No.) | Extent (in acre) |
|------------------------|--------------------------|---------------------|------------------------|--------------------------|---------------------|
| Nawadih No. 292 | 495 | 0.165 | Hathiara No. 294 | 1432 | 0.025 |
| | 494 | 0.14 | | 524 | 0.04 |
| | 493 | 0.02 | | 525 | 0.05 |
| | 462 | 0.04 | | 523 | 0.06 |
| | 461A | 0.09 | | 502 | 0.02 |
| | 502 | 0.025 | | 503 | 0.09 |
| | 501 | 0.005 | | 501 | 0.005 |
| | 461B | 0.28 | | 500 | 0.15 |
| | 469 | 0.01 | | 535 | 0.03 |
| | 470 | 0.03 | | 537 | 0.05 |
| | 586 | 0.04 | | 538 | 0.02 |
| | 459 | 0.13 | | 493 | 0.16 |
| | 460 | 0.02 | | 543 | 0.04 |
| | 448 | 0.12 | | 486 | 0.01 |
| | 456 | 0.02 | | 490 | 0.06 |
| | 449 | 0.23 | | 487 | 0.08 |
| | 450 | 0.095 | | 489 | 0.005 |
| | 447 | 0.02 | | 483 | 0.07 |
| | 363A | 0.05 | | 482 | 0.13 |
| | 362 | 0.09 | | 481 | 0.05 |
| | 363B | 0.35 | | 318 | 0.055 |
| | 365 | 0.035 | | 139 | 0.015 |
| | 367 | 0.008 | | 143 | 0.055 |
| | 373 | 0.10 | | 201 | 0.11 |
| | 374 | 0.02 | | 147 | 0.055 |
| | 375 | 0.03 | | 148 | 0.08 |
| | 337 | 0.12 | | 152 | 0.32 |
| | 377 | 0.04 | Hathiara No. 294. | 200 | 0.005 |
| | 376 | 0.10 | | 1361 | 0.01 |
| | 378 | 0.035 | | 199 | 0.05 |
| | 331 | 0.007 | | 198 | 0.11 |
| | 329 | 0.34 | | 161 | 0.03 |
| Nawadih No. 292 | 328 | 0.08 | | 162 | 0.01 |
| | 323 | 0.015 | | 197 | 0.11 |
| | 324 | 0.16 | | 191 | 0.04 |
| | 325 | 0.06 | | 167 | 0.015 |
| | 182 | 0.02 | | 168 | 0.11 |
| | | | | 169 | 0.10 |

| Village with thana No. | Survey No. (Plot No.) | Extent in acre | Village with thana No. | Survey No. (Plot No.) | Extent in acre |
|---------------------------------|--------------------------|-------------------|--------------------------------|--------------------------|-------------------|
| Hathlara No. 294— <i>contd.</i> | 170 | 0.055 | Tiljori No. 295— <i>contd.</i> | 809 | 0.07 |
| | 189 | 0.03 | | 803 | 0.01 |
| | 174 | 0.04 | | | |
| | 175 | 0.04 | | 1359 | |
| | 176 | 0.09 | | 1206 | 0.10 |
| | 183 | 0.06 | | 801 | 0.14 |
| | 182 | 0.19 | | | |
| | 291 | 0.045 | | 1358 | |
| | 290 | 0.02 | | 801 | 0.10 |
| | 294 | 0.02 | | 799 | 0.08 |
| | 293 | 0.025 | | 798 | 0.05 |
| | 296 | 0.025 | | 797 | 0.03 |
| | 297 | 0.007 | | 793A | 0.21 |
| | 298 | 0.015 | | 793B | 0.07 |
| | 299 | 0.01 | | 792 | 0.05 |
| | 295 | 0.03 | | 1205 | 0.08 |
| | 301 | 0.025 | | 1204 | 0.15 |
| | 302 | 0.008 | | 1260 | 0.005 |
| | 300 | 0.48 | | | |
| Tiljori No. 295 . . . | 1181 | 0.70 | Kharik No. 299 . . . | 77 | 0.17 |
| | 1004 | 0.05 | | 75 | 0.005 |
| | 1005 | 0.007 | | 86 | 0.045 |
| | 1007 | 0.345 | | 87 | 0.09 |
| | 995 | 0.01 | | 88 | 0.10 |
| | 996 | 0.015 | | 89 | 0.03 |
| | 997 | 0.005 | | 92 | 0.02 |
| | 998 | 0.115 | | 93 | 0.005 |
| | 983 | 0.08 | | 95 | 0.15 |
| | 984 | 0.03 | | | |
| | 974 | 0.09 | Bhojpur No. 300 . . . | 1 | 0.18 |
| | 975 | 0.08 | | 8A | 0.09 |
| | 976 | 0.015 | | 8B | 0.18 |
| | 977 | 0.04 | | 9 | 0.08 |
| | 973 | | | 581 | 0.07 |
| | | 0.04 | | 10 | 0.12 |
| | 1350 | | | 585 | 0.045 |
| | 972 | 0.095 | | 2 | 0.007 |
| | 973 | 0.04 | | | |
| | 970 | 0.03 | Shankarpur No. 298 . . . | 125 | 0.07 |
| | 969 | 0.03 | | 118 | 0.035 |
| | 940 | 0.005 | | 119 | 0.03 |
| | 968 | 0.11 | | 124 | 0.09 |
| | 966 | 0.06 | | 120 | 0.015 |
| | 967A | 0.01 | | 123 | 0.10 |
| | 967B | 0.015 | | 137 | 0.008 |
| | 965 | 0.17 | | 136 | 0.22 |
| | 960 | 0.02 | | 141 | 0.02 |
| | 962 | 0.005 | | 148 | 0.07 |
| | 961 | 0.065 | | 147 | 0.12 |
| | 962 | | | 149 | 0.15 |
| | | 0.09 | | 150 | 0.008 |
| | 1365 | | | 161 | 0.29 |
| | 811 | 0.085 | | 162 | 0.16 |
| | 964 | 0.08 | | 164 | 0.005 |
| | 811 | | | 163 | 0.26 |
| | | 0.085 | | 172 | 0.05 |
| | 1364 | | | 175 | 0.08 |
| | 810 | 0.075 | | 182 | 0.075 |
| | 1203 | 0.03 | | 184 | 0.03 |
| | 810 | | | 174 | 0.145 |
| | | 0.015 | | 186 | 0.15 |
| | 1363 | | | 627 | 0.15 |
| | 809 | | | 625 | 0.08 |
| | | 0.02 | | 612 | 0.07 |
| | 1362 | | | 613 | 0.02 |
| | | | | 6 8 | 0.12 |

| Village with thana No. | Survey No. (Plot No.) | Extent in acre | Village with thana No. | Survey No. (Plot No.) | Extent in acre |
|-----------------------------------|--------------------------|-------------------|------------------------|--------------------------|-------------------|
| Shankarpur No. 298— <i>contd.</i> | 602 | 0.15 | Gidhaia No. 316 . . | 469 | 0.11 |
| | 600 | 0.12 | | 468 | 0.11 |
| | 601 | 0.008 | | 467 | 0.05 |
| | 591 | 0.03 | | 471 | 0.20 |
| | 597 | 0.06 | | 472 | 0.008 |
| | 598 | 0.03 | | 466A | 0.15 |
| | 596 | 0.09 | | 465 | 0.075 |
| | 595 | 0.03 | | 466B | 0.13 |
| | 594 | 0.15 | | 481 | 0.11 |
| | 490 | 0.005 | | 491 | 0.05 |
| | 491 | 0.09 | | 492 | 0.07 |
| | 566 | 0.01 | | 496 | 0.02 |
| | 492 | 0.05 | | 489 | 0.19 |
| | 565 | 0.02 | | 480 | 0.008 |
| | 494 | 0.005 | | 504 | 0.045 |
| | 550 | 0.07 | | 505 | 0.035 |
| | 551 | 0.07 | | 506 | 0.04 |
| | 552 | 0.03 | | 507 | 0.025 |
| | 548 | 0.055 | | | |
| | 544 | 0.21 | Choto No. 315 . . | 50 | 0.095 |
| | 542 | 0.01 | | 49 | 0.06 |
| | 543 | 0.10 | | 51 | 0.40 |
| | 554 | 0.01 | | 57 | 0.03 |
| | 555 | 0.39 | | 58 | 0.005 |
| Lohari No. 310 . . | 8A | 0.03 | | 63A | 0.17 |
| | 8B | 0.05 | | 63B | 0.02 |
| | 9 | 0.01 | | 62 | 0.04 |
| | 11A | 0.075 | | 64 | 0.12 |
| | 11B | 0.23 | | 65A | 0.10 |
| | 12 | 0.01 | | 65B | 0.10 |
| | 21 | 0.06 | | 79A | 0.02 |
| | 15 | 0.015 | | 79B | 0.015 |
| | 18 | 0.005 | | 79C | 0.04 |
| | 17A | 0.08 | | 73 | 0.40 |
| | 17B | 0.05 | | 80 | 0.25 |
| | 17C | 0.12 | | 84 | 0.08 |
| | 17D | 0.04 | | 81 | 0.03 |
| | 16 | 0.06 | | 83 | 0.42 |
| | 33 | 0.08 | | 96 | 0.015 |
| | 189 | 0.005 | | 95 | 0.01 |
| | 34 | 0.02 | | 94 | 0.18 |
| | 70 | 0.045 | | 99 | 1.05 |
| | 71 | 0.05 | | 160 | 0.15 |
| | 74 | 0.035 | | 161 | 0.10 |
| | 69 | 0.04 | | 162 | 0.13 |
| | 49 | 0.035 | | 165 | 0.21 |
| | 48 | 0.075 | | 166 | 0.21 |
| | 86 | 0.49 | | 169 | 0.08 |
| | 87 | 0.05 | | 170 | 0.215 |
| | | | | 97 | 0.005 |

[No. 31/47/63-ONG.]

New Delhi, the 12th May 1964

S.O. 1782.—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 3289, dated the 12th November, 1963, under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), read with S.O. No. 690, dated the 18th February, 1964, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE]

State : UTTAR PRADESH

Tahsil : SIRATHU

District : ALLAHABAD

| Village | Survey No. | Extent | Village | Survey No. | Extent |
|-----------------|------------|--------|---------------------|--------------|-----------------|
| | | B.B.B | | | B. B. B. |
| 1. Sindheya . . | 240 | 0 2 0 | 3. Bumhrauly. . | 2423 3493 | 0 2 10 0 0 5 |
| 2. Nidhuwawan . | 823 | 0 0 5 | 4. Govind pur Goreo | 669 | 0 0 10 |

[No. 31/50/63-ONG.]

New Delhi, the 14th May 1964

S.O. 1783—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2133, dated the 5th August, 1963, under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), read with S.O. No. 32, dated the 20th December, 1963, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State: BIHAR

District: SANTHAL PARG ANAS

| Village with Thana No. | Survey No. (Plot No.) | Extent in acre | Village with Thana No. | Survey No. (Plot No.) | Extent in acre |
|------------------------------------|--------------------------|-------------------|------------------------|--------------------------|-------------------|
| Bichgarha No. 358 Thana—Deoghar | 279 | 0.12 | Pahartali No. 185 | 135 | 0.005 |
| | 290 | 0.005 | Thana—Madhupur. | 136 | 0.04 |
| | 292 | 0.01 | —contd. | 154 | 0.005 |
| | 231 | 0.32 | | 155 | 0.007 |
| | 229A | 0.055 | | 156 | 0.04 |
| | 229B | 0.005 | | 157 | 0.07 |
| | 230 | 0.01 | | 160 | 0.01 |
| | 228 | 0.34 | | 159 | 0.03 |
| | 236 | 0.005 | | 158 | 0.095 |
| | 218 | 0.01 | | 191 | 0.10 |
| | 217 | 0.20 | | 186 | 0.02 |
| | 220 | 0.02 | | 198 | 0.005 |
| | 233 | 0.275 | | 190 | 0.08 |
| | 237 | 0.42 | | 199 | 0.01 |
| Pharpur No. 301 | 694 | 0.02 | | 200 | 0.04 |
| Thana—Madhupur. | 693 | 0.55 | | 201 | 0.008 |
| | 1193 | 0.085 | | 189 | 0.05 |
| | 551 | 0.05 | | 204 | 0.06 |
| | 702 | 0.02 | | 205 | 0.015 |
| | 704 | 0.09 | | 209 | 0.04 |
| Buchi No. 184 | 21 | 0.51 | | 210 | 0.05 |
| Thana—Madhupur. | 541 | 0.02 | | 211 | 0.005 |
| | 22 | 0.165 | | 212 | 0.04 |
| Pahartali No. 185 | 1 | 0.11 | | 214 | 0.02 |
| Thana—Madhupur. | 2 | 0.38 | | 213 | 0.145 |
| | 22 | 0.17 | | 50 | 0.055 |
| | 21 | 0.02 | Baramirkhi No. 300 | 60 | 0.005 |
| | 25 | 0.04 | Thana—Madhupur. | 69 | 0.36 |
| | 24 | 0.04 | | 71 | 0.04 |
| | 26 | 0.01 | | 72 | 0.005 |
| | 28A | 0.06 | | 80 | 0.46 |
| | 28B | 0.05 | | 81 | 0.005 |
| | 29 | 0.01 | | 79 | 0.08 |
| | 51 | 0.005 | | 78 | 0.18 |
| | 52 | 0.03 | Badia No. 296 | 4A | 0.43 |
| | 53 | 0.01 | Thana—Madhupur. | 3 | 0.29 |
| | 68 | 0.04 | | 46A | 0.005 |
| | 69A | 0.01 | | 46B | 0.78 |
| | 69B | 0.025 | | 4B | 0.14 |
| | 70 | 0.01 | | 23 | 0.005 |
| | 71 | 0.015 | | 24 | 0.05 |
| | 72 | 0.045 | | 25 | 0.09 |
| | 73 | 0.01 | | 43 | 0.27 |
| | 77A | 0.08 | | 45 | 0.23 |
| | 77B | 0.03 | | 65 | 0.20 |
| | 78 | 0.07 | | 68 | 0.005 |
| | 79 | 0.02 | | 66 | 0.13 |
| | 100 | 0.075 | | 67 | 0.14 |
| | 99 | 0.035 | | 71 | 0.28 |
| | 101 | 0.005 | | 74 | 0.035 |
| | 140A | 0.07 | | 73 | 0.165 |
| | 140B | 0.025 | | 75 | 0.12 |
| | 139 | 0.035 | | 120 | 0.28 |
| | 138 | 0.12 | | 117 | 0.005 |
| | 137 | 0.065 | | 118 | 0.05 |
| | 133 | 0.015 | | 119 | 0.09 |
| | 134 | 0.01 | | 156 | 0.03 |
| | | | | 157 | 0.02 |

| Village with thana No. | Survey No. (Plot No.) | Extent in acre | Village with thana No. | Survey No. (Plot No.) | Extent in acre |
|-----------------------------------|-----------------------------|-------------------|-------------------------------------|-----------------------------|-------------------|
| Badia No. 296 Thana-Madhupur | 158 | 0.005 | 415 | 0.04 | |
| | 160 | 0.42 | 409A | 0.035 | |
| | 161 | 0.06 | 409B | 0.045 | |
| | 198 | 0.19 | 422 | 0.005 | |
| | 197 | 0.06 | 421A | 0.16 | |
| | 196 | 0.08 | 421B | 0.10 | |
| | 193 | 0.03 | 416 | 0.03 | |
| | 194 | 0.07 | 417 | 0.005 | |
| | 192 | 0.09 | 419 | 0.005 | |
| | 191 | 0.21 | 420 | 0.08 | |
| | 253 | 0.09 | 430 | 0.09 | |
| | 334 | 0.06 | 431 | 0.06 | |
| | 332 | 0.005 | 432A | 0.03 | |
| | 336 | 0.23 | 432B | 0.04 | |
| | 337 | 0.01 | 432C | 0.04 | |
| | 330 | 0.20 | 432D | 0.02 | |
| | 329 | 0.10 | 434A | 0.08 | |
| | 268 | 0.04 | 434B | 0.09 | |
| | 326 | 0.22 | 435A | 0.11 | |
| | 325 | 0.03 | 435B | 0.13 | |
| | 324 | 0.08 | 464 | 0.01 | |
| | 323 | 0.13 | 151A | 0.16 | |
| | 322 | 0.035 | 152 | 0.01 | |
| | 391 | 0.025 | 106 | 0.05 | |
| | 397 | 0.15 | 105 | 0.03 | |
| | 398 | 0.035 | 103 | 0.05 | |
| | 399 | 0.005 | 107 | 0.05 | |
| | 410 | 0.14 | 132 | 0.07 | |
| | 404 | 0.015 | 133 | 0.19 | |
| | 407A | 0.17 | 131 | 0.19 | |
| | 407B | 0.005 | 139 | 0.008 | |
| | 405 | 0.01 | 144 | 0.01 | |
| | 406 | 0.07 | 145 | 0.07 | |
| Nawadih No. 214 Thana-Madhupur | 64 | 0.04 | 146 | 0.20 | |
| | 63 | 0.20 | 147 | 0.01 | |
| | 70 | 0.04 | 143 | 0.06 | |
| | 69 | 0.05 | 142 | 0.07 | |
| | 71 | 0.08 | 141 | 0.06 | |
| | 75 | 0.005 | 151B | 0.03 | |
| | 74 | 0.31 | 224 | 0.12 | |
| | 470A | 0.14 | 223 | 0.04 | |
| | 82 | 0.43 | 226 | 0.095 | |
| | 470B | 1.57 | 225 | 0.06 | |
| | 83 | 0.01 | 239 | 0.04 | |
| | 232 | 0.36 | 240 | 0.015 | |
| | 233 | 0.65 | 238 | 0.04 | |
| | 231 | 0.02 | 236 | 0.01 | |
| | 234 | 0.24 | 237 | 0.10 | |
| | 235 | 0.11 | 241 | 0.11 | |
| | 236 | 0.05 | 234 | 0.04 | |
| | 237 | 0.01 | 260 | 0.12 | |
| | 369 | 0.07 | 262 | 0.11 | |
| | 412 | 0.005 | 261 | 0.32 | |
| | 413 | 0.02 | 271 | 0.19 | |
| | 414 | 0.04 | 273 | 0.33 | |
| | 410 | 0.03 | | | |
| | | | Mohanpur No. 216 Thana Madhupur. | | |

[No. 31/47/63-ONG.]

S.O. 1784.—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2673, dated the 11th September, 1963, under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User

in Land) Act, 1962 (50 of 1962), read with S.O. No. 304, dated the 18th January, 1964, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State: UTTAR PRADESH

Tahsil: MEJA

Distt : ALLAHABAD

| Village | Survey No. | Extent. B.B.B. | Village | Survey No. | Extent B.B.B. |
|---------------|------------|----------------|-----------------|------------|---------------|
| 1. Sarwan Pur | 51/2 | 0-7-0 | 5. Umapur Kalan | 477 | 0-8-10 |
| 2. Man Pur | 105 | 0-4-0 | 6. Bamhni Hatar | 289/1 | 0-3-10 |
| 3. Nahwai | 147/1 | 0-0-10 | 7. Dighya | 418 | 0-3-10 |
| 4. Tikari | 598 | 0-3-0 | 8. Kotaha | 74/2 | 0-2-0 |

[No. 31/50/63-ONG.]

S.O. 1785.—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 3288 dated the 12th November, 1963 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. No. 689 dated the 18th February, 1964, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State Uttar Pradesh

Tahsil Karchhana

Distt. Allahabad

| Village | Survey No. | Extent B.B.B. | Village | Survey No. | Extent B.B.B. |
|-------------------------|------------|---------------|-------------|---------------|-----------------|
| 1. Kateka | 278/4M | 0-3-5 | 4. Gadhyeon | 616M 705/1 | 0-5-10 0-2-0 |
| 2. Garhwa Kalan | 168 | 0-10-10 | 5. Hardua | 62/1 | 0-1-12 |
| 3. Tendui Taluke Khurd. | 327 | 0-2-10 | | | |

[No. 31/50/63-ONG.]

ERRATA

New Delhi, the 14th May 1964

S.O. 1786.—In the Schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 685 dated 21st February, 1964 published in the Gazette of India, Part II Section 3 sub-section (ii) dated the 29th February 1964 read "0. 72" acres for "0. 91" acres against Survey Plot No. 4 of village Mahapur No. 3.

[No. F.31(47)/63-ONG.]

S.O. 1787.—In the Schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1195 dated 21st March, 1964 published in the Gazette of India Part II Section 3 sub-section (ii) dated the 4th April, 1964 read Survey No. 940/1041 for 1961 in village Sehna No. 7 Sardari Circle Gaichhand.

[N. 31(47)/63-ONG.]

P. P. GUPTA, Under Secy.

